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**BUREAU OF LAND MANAGEMENT**

**HANDBOOK FOR**  
**WORKING WITH COOPERATING ASSOCIATIONS**

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**BUREAU OF LAND MANAGEMENT**

**HANDBOOK FOR**

**WORKING WITH COOPERATING ASSOCIATIONS**

**I. INTRODUCTION**

**A. Purpose of This Handbook**

This *Handbook* provides guidance to Bureau of Land Management (BLM) personnel on implementing BLM's cooperating association program. By reading this *Handbook*, BLM staff will better understand the mission of cooperating associations and how to develop effective partnerships with associations to strengthen the BLM's interpretive and educational programs. Such partnerships with cooperating associations give the public many opportunities for educational and interpretive services it would not otherwise have.

**B. Objectives of This Handbook**

This *Handbook* ensures that BLM personnel understand the special, mutually beneficial, relationship with cooperating associations that distinguishes them from other types of partners. It helps agency personnel understand the organizational structure of cooperating associations and what restrictions apply to these partnerships.

In addition, this *Handbook* explains how to start a cooperating association partnership for a BLM site, including the types of documents needed, and how to maintain a strong and effective relationship. It also includes information on practices that apply generally to partnerships between cooperating associations and Federal public land management agencies.

Although prepared specifically to provide guidance on working with cooperating associations, this *Handbook* includes information that may also help BLM personnel in their relations with friends groups and other not-for-profit partners. It will also be useful reading for cooperating

association boards and staff to further their understanding of the agency's perspective.

## **C. Authorities**

The Federal Land Policy and Management Act of 1976 (Public Law 94-579), as amended, Section 307(b). Omnibus Consolidated Appropriations Bill of 1997, (Public Law 104-208).

## **D. References**

Interpretive Strategy "Interpretation Is the Voice of the Resources" and Interpretive Guidelines Instruction Memorandum No. 2001-099; Interpretive Manual 8362.

# **II. WHAT ARE COOPERATING ASSOCIATIONS?**

## **A. Brief History of Cooperating Associations**

Cooperating associations, also known as interpretive associations, are not-for-profit organizations established to support the interpretive, educational, and/or scientific programs of a Government agency. As the name suggests, these organizations cooperate with the agency to offer a support service that is not otherwise available. Cooperating associations—the name used throughout this *Handbook*—support BLM public lands primarily through the sale or other distribution of interpretive and educational materials.

The concept of cooperating associations began with the National Park Service in 1920 when a private organization was created to raise money for a museum in Yosemite National Park. The Yosemite Natural History Association later expanded its activities to provide educational publications and visitor information about the park. Other parks soon followed the Yosemite example. Congress authorized cooperation with the non-Federal organizations in 1920 (41 Stat. 917). In 1946, Public Law 79-633 strengthened the relationship by authorizing the National Park Service to allow employees to perform work for cooperating associations as part of their official duties.

Today, all major Federal land management agencies, as well as some State and local public land agencies have partnerships with cooperating associations. Differences in their legislative authorities, however, result in variations in the kinds of agreements used, who has the authority within an agency to sign those agreements, and the applicable agency policies.

As agency needs and the public's expectations have changed through the years, cooperating associations have evolved. They now provide more varied services than once envisioned. However, cooperating associations still abide by their original purpose: to enhance the educational and interpretive programs of the public land management agencies they serve. After more than 80 years of collaboration with Government agencies, cooperating associations are well

established as a mechanism for providing exceptional interpretive and visitor services.

## **B. Cooperating Associations and the Bureau of Land Management**

The BLM began working with cooperating associations in 1980, when the BLM Moab District and Canyonlands Natural History Association (CNHA) signed an agreement that allowed CNHA to serve the needs of public lands visitors through CNHA sales areas at BLM offices. CNHA provided funds for BLM projects through proceeds from sales at these areas. In 1982, Southwest Natural and Cultural Heritage Association (SNCHA) opened the second BLM cooperating association sales area at Red Rock Canyon National Conservation Area in Nevada. Red Rock Canyon Interpretive Association became independent in 1988—the BLM’s first site-specific cooperating association.

The BLM currently works with cooperating associations in all eleven Western States. Coordination occurs through the State Directors’ offices and the National Lead for Interpretation. (See Appendix for list of BLM cooperating associations.)

## **C. Authority to Work with Cooperating Associations**

Section 307(b) of BLM’s Organic Act, the Federal Land Policy and Management Act of 1976 (FLPMA), as amended (Public Law 94-579), and subsequent amendments (43 U.S.C. 1732 and 1737), authorize the use of contracts and cooperative agreements in the management, protection, development, and sale of public lands. With the largest acreage of any of the Federal land management agencies and a comparatively small staff, the BLM considers partnerships essential to fulfilling its mission.

Currently, each State procurement office determines whether the relationship with BLM’s partners should be in the form of Assistance Agreements or contractual arrangements, based on BLM agreement guideline criteria.

## **D. What Cooperating Associations Can Do for the BLM**

### **1. Kinds of Support**

The primary reason for a cooperating association is to enhance the agency’s interpretive efforts. Cooperating associations earn money to support these interpretive efforts by providing outlets for the sale of interpretive and educational materials, such as publications, maps, postcards, photographs, posters, videos, handcrafts, and other items related to interpretive themes of the area. In addition to the sales function, however, cooperative relationships with organizations dedicated to interpretive and educational purposes provide many other opportunities for assisting the BLM’s interpretive program.

The BLM's Interpretive Strategy, as defined in 1999, states the following mission:

*The Bureau of Land Management interpretive program supports the Bureau's mission and goals by serving customers, promoting the health of the land, and enhancing the public's enjoyment, understanding, and appreciation of public land's natural and cultural resources and its management.*

Our vision is that ultimately, as a result of BLM's interpretive program, the public will be more environmentally responsible stewards while enjoying public lands.

We cannot achieve this vision alone. Fortunately, cooperating associations share these interpretive goals and have the flexibility and resources to achieve them in ways that would otherwise be impractical for a Government agency. Here are some examples of how cooperating associations can aid the BLM's interpretive programs:

Assist in the production of site-specific products:

- Cooperating associations can provide interpretive products that have a narrow market;
- Cooperating associations can provide information not otherwise available or easily accessible to the general public;
- Cooperating associations can develop and produce books and other educational materials specific to the interpretive themes and needs of the area or program;
- Cooperating associations have established contacts with vendors, contractors, interpretive specialists, technical experts, and other professionals to create high-quality products;
- Even if not directly involved in producing a project, cooperating associations can provide guidance on finding other suppliers;
- For jointly produced products, cooperating associations may be able to contract for services more cost-effectively.

Distribute educational and scientific publications produced by the agency:

- Cooperating associations have distribution systems through their sales areas and/or mail-order or e-commerce services;
- Cooperating associations have an extensive network with other cooperating associations and organizations to assist in distributing information;
- Cooperating associations can help, through contributed monies or services, to increase the availability of agency-produced materials.



#### Assist in securing grant monies:

- Cooperating associations can assist in locating grant sources;
- Cooperating associations can hire proposal writers and technical specialists for grant projects;
- Cooperating associations can manage grant funds;
- Cooperating associations may contribute matching funds or in-kind services to a project;
- As not-for-profit organizations, cooperating associations may have better access to grant funds. Most funding sources prefer to award grants to nonprofits rather than Government agencies.

#### Assist with special events:

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- Cooperating associations can design, develop, and produce promotional materials;
- As nonprofit, private businesses, cooperating associations often relate well to other local businesses who might be involved in the project;
- Cooperating associations can increase local support for the event, especially if the board or staff are members of the community;
- Cooperating associations might have staff or other contacts experienced in organizing special events;
- Cooperating associations can conduct fundraising events for educational projects.

#### Donate materials for use in interpretive programs and exhibits:

- Cooperating associations can obtain historical artifacts, library and archival material, equipment, and other interpretive items helpful to BLM's education and visitor service function;
- Cooperating associations may operate donation boxes at BLM's facilities and use the monies for interpretive purposes;
- Cooperating associations may solicit donations for projects.

#### Recruit, manage, and train volunteers:

- Cooperating associations may use volunteers to provide interpretive programs and assist in staffing sales outlets;

#### Strengthen BLM's relationship with the local community:

- Board members are often influential people from the community;

Cooperating associations usually hire local residents to staff their sales areas;

- As local businesses, cooperating associations often participate in chambers of commerce, tourism councils, service organizations, and other community organizations that can increase visibility and foster partnerships;
- Cooperating associations often have membership programs that involve the community and keep people informed about activities on the public lands.

Supplement the BLM's interpretive and educational programs:

- Cooperating associations share BLM's core values and often provide services that BLM might otherwise have to purchase;
- Cooperating associations may operate visitor centers and other facilities or programs, as appropriate to the organization's purpose.

## **2. Advantages to Working with Cooperating Associations**

Because their mission clearly relates to interpretation, cooperating associations expand the BLM's efforts to provide interpretive and educational programs. As nonprofit organizations, cooperating associations are mission-based, not profit-based. In addition to the many tangible kinds of support associations can give, these partnerships enable the BLM to provide better service to the public in important ways, such as:

- disseminate information about the BLM and its management responsibilities;
- help the public understand land management issues, which can result in additional support for management programs;
- help reduce adverse impact on resources from misuse of public lands;
- provide information and services that the BLM might not otherwise be able to provide;
- provide the public with access to relevant information at the site;
- develop constituencies for public lands;
- establish and nurture partnerships;
- provide fresh perspectives and creative means for addressing management issues.

Through the educational and interpretive services provided with cooperating associations, the BLM is able to educate the public about stewardship responsibilities for America's natural and cultural heritage.

## **E. How Cooperating Associations Differ from Other Types of Partners**

Partnerships are an effective way for the BLM to accomplish our mission and for cooperating associations to achieve their goals. Cooperating association partners help develop both site-specific and regional interpretive approaches and bring diverse skills and expertise to the interpretive process.

The BLM has partnerships with a wide spectrum of organizations, businesses, and user groups for various purposes. Cooperating associations are a special partnership, however, because they are chartered for not-for-profit educational purposes and have agreements with the BLM specifically to enhance our interpretive programs.

We work closely with cooperating associations. The BLM typically provides the office, sales, and storage space needed by the association for its operations at a site. In addition, the BLM provides a staff person as a liaison between the BLM and the association and, if needed, the BLM also provides sales assistance. Typical association responsibilities include obtaining BLM-approved sales items, providing equipment and staff for the sales outlet, and conducting business operations and visitor contacts in accordance with BLM standards.

The relationship that the BLM has developed with cooperating associations is a synergistic one in order to benefit the public. It is important to keep in mind that, even though associations can help support our interpretive programs in many ways, their primary purpose is to serve the public.

Two other kinds of partners that we work with are sometimes confused with cooperating associations, because their interests are somewhat related. There are important distinctions, however.

### **1. Friends Groups**

There is no specific legal definition for "friends" groups, but, in general, these are largely local and usually all-volunteer groups of citizens organized for a specific purpose or interest in a particular area. They may or may not choose to be not-for-profit or formally organized to achieve tax-exempt status. They may or may not have formal partnership agreements with the BLM. Typically, friends groups have a specific agenda, such as providing volunteer services; trail maintenance; fundraising; publicizing issues; and, in some cases, advocacy.

Some of these functions are similar to those of cooperating associations. However, the key

distinctions between friends groups and cooperating associations are (1) friends groups are not limited to functions that are interpretive or educational in nature, and (2) friends groups do not operate sales facilities on public lands—unless they also qualify as cooperating associations.

The distinctions have blurred in recent years. Frequently the roles and functions of these groups overlap. A BLM area may have both a cooperating association and one or more friends groups; or a hybrid organization may serve as both a cooperating association and perform one or more of the traditional roles of friends groups. The decision whether to enter into partnership arrangements with either or both types of organizations depends on the specific circumstances in the BLM area.

If sales are involved, however, the appropriate agreements must exist. To sell in a not-for-profit setting, the organization must have tax-exempt, 501(c)(3) status through the U.S. Internal Revenue Service (IRS), which requires being chartered for educational and charitable purposes. It must also have an Assistance Agreement with the BLM. In essence, such a group functions as a “cooperating association,” whether or not it is called such, and the guidance in this *Handbook* applies.

## **2. Concessioners**

Concessions are authorized by permit to sell goods or services on public lands, such as lodging, food, transportation, souvenirs, and sometimes even interpretive services. Although not so prevalent in BLM areas as on public lands managed by other agencies, concessions may have operations that compete with those provided by cooperating associations. Concessions are for-profit commercial enterprises, which do not have the tax-exempt status that cooperating associations have. It is important that we and our association partners respect the contractual rights of concessioners.

In areas where both concessions and cooperating associations exist and may have overlapping interests, each needs to understand the role of the other. The BLM should facilitate opportunities for collaboration. For instance, associations might wholesale their products to concessioners, or co-sponsor products or events with them. Both businesses might benefit from joint customer-service training. We should try to mitigate any conflicts that might arise by showing how the visitor can best be served. Customer service should be the primary interest of all parties.

## **III. HOW COOPERATING ASSOCIATIONS ARE ORGANIZED**

### **A. Nonprofit Status**

All cooperating associations must have and maintain nonprofit, tax-exempt status as determined by the Internal Revenue Service. Section 501(c)(3) of the Internal Revenue Code provides for the

exemption from Federal income tax of corporations organized and operated exclusively for charitable or educational purposes. The IRS defines “educational” as including the instruction of the public on subjects useful to the individuals and beneficial to the community.

IRS Rev. Ruling 68-307 explains the rationale for providing tax-exempt status to cooperating associations and recognizes associations as nonprofit organizations formed to assist a Government agency in education and scientific programs. It notes that the associations depend on contributions and revenue from the sale of educational materials to meet operating costs. The Ruling finds that cooperating associations qualify for tax-exempt status under section 501(c)(3).

An association must establish exemption within the IRS district in which its principal place of business or administrative office is located. Articles of incorporation, showing that the association is truly formed for educational and/or charitable purposes, must accompany an application for exemption. The IRS has specific requirements for tax-exempt organizations, such as limits on lobbying activities, taxes on income not specific to the exempt purposes (Unrelated Business Income, or UBIT), and public disclosure. Tax-exempt status is a requirement for an association to continue its agreement with the Bureau of Land Management. Furthermore, IRS imposes stiff penalties for failure to comply with its regulations, so it is important that cooperating associations fulfill their responsibilities as 501(c)(3) organizations.

## **B. Board of Directors**

The ultimate responsibility for an association rests with its board of directors. As with all nonprofit organizations, this voluntary governing body is legally, fiscally, and ethically responsible for establishing the association’s policies, ensuring that the organization remains true to its stated purposes, protecting the association’s assets, and preserving its independence. No BLM employee may serve on the board or as an officer of a cooperating association. Although a BLM representative can offer advice and make sure the board is aware of any policy or law that would affect association affairs, the BLM can not direct or give the impression that it is directing the association’s board or any of its members or employees.

The size, terms of service, selection criteria, and the degree of involvement in the operations of the association will vary among association boards. These may change over time as the association evolves. The BLM expects that cooperating associations will organize and govern themselves according to acceptable practices for not-for-profit organizations.

Governance of tax-exempt organizations is a public trust. It is important that board members understand and take seriously their responsibilities. Information on nonprofit boards is available through libraries and many other sources. The Association of Partners for Public Lands (APPL), a national umbrella for cooperating associations, provides training and resource materials specifically geared to improving the effectiveness of association boards. APPL has adopted a Code of Ethics that it recommends for boards of cooperating associations. Adoption of the code by association boards is voluntary, but the code is an example of the standards of performance

and accountability expected among not-for-profit organizations. (See Appendix for sample Code of Ethics.)

### **C. Staff and Volunteers**

Local circumstances will determine whether the association employs staff or depends on volunteers or agency assistance to operate its sales area and present its programs. In general, there is a chief administrator, usually called an executive director or business manager, who reports to the association's board of directors and who has responsibility for the day-to-day management of the operation. BLM employees cannot be employees of the cooperating association. Nor can BLM employees supervise or evaluate the performance of association employees.

### **D. Importance of Independence**

In the 1980s the Department of Justice determined that it was a conflict of interest for an officer or employee of the Executive Branch of Government to participate "personally or substantially," in matters in which he or the organization or agency he is serving has a financial interest. The conflict of interest statute, Title 18, U.S. Code, Section 208(a), was interpreted for Department of the Interior employees in Ethics and Conduct Information Bulletin 87-1, issued by the Secretary of the Interior on October 19, 1987.

This ruling required changes for any cooperating association that had agency personnel involved in management decisions. There is no doubt that the financial interests of a cooperating association are directly affected by decisions made by agency employees. For instance, BLM staff approve or disapprove of sales facilities, hours of operation, and particular books or other items that the association can sell at the BLM facility.

All BLM employees should be familiar with BLM ethics and conduct rules. For guidance, see 5 CFR Part 2635, "Standards of Ethical Conduct for Employees of the Executive Branch, Final Rule" and the guide "Ethics for Federal Employees."

Separating BLM and association business can be difficult at times. Any BLM employee who has the potential to affect association operations as part of official duties must be sure that all actions are free from even the appearance that the association seeks to influence the employee through favors or gifts, or that the employee may benefit financially through decisions he or she makes. As a general rule of thumb, consider how an objective outside observer would view the actions. If in doubt about whether an action could result in a conflict of interest situation, consult your ethics officer. Here are some basic rules:

- BLM employees are prohibited from serving on association boards, even in an ex-officio capacity. However, they may attend association meetings and may participate in committees.
- When attending association board meetings, BLM representatives do so in an advisory, non-voting capacity.
- BLM employees may not participate in the management and control of the association, even as a volunteer or advisor.
- BLM employees may not receive discounts or special favors because they are BLM employees. If they are members of an association, however, and have paid the appropriate membership fee, they may receive discounts or other benefits in the same manner as any other association member.
- BLM employees are strictly limited in the gifts they can accept from associations, including meals, lodging, and transportation.
- BLM employees may accept donations of travel expenses from associations as part of an approved donations program for appropriate purposes, such as participation in conventions or training. However, direct reimbursements may not be made to the employee. The donation amount is either transferred to a Government account for BLM employee travel expenses, or direct purchases of airline tickets and other travel expenses are made by the association for the BLM employee.
- BLM liaisons who attend association board meetings do so as representatives of the BLM in order to facilitate communication and cooperation. The representative has no fiduciary role with the association.

In rare instances, an association may pay a BLM employee for specific work outside the employee's normal duty. The following circumstances must be met:

- The BLM employee is off-duty from his/her BLM job.
- The duties performed for the association are substantially different from those performed for the BLM.
- The BLM employee's spouse or immediate family members have no influence over policy and operational decisions that affect the finances of the association.
- The employment complies with all Federal rules and regulations for employee ethics and conduct and has written approval from the appropriate BLM official.

It is always best to check with your ethics counselor on these kinds of issues involving a relationship with a non-Federal entity.

#### **IV. CHOOSING A COOPERATING ASSOCIATION PARTNER**

Many factors should be considered when deciding whether a public lands area would benefit from the service of a cooperating association. If the BLM decides that it is in the public interest for a cooperating association to provide services at a given location, the following information will help determine which approach to take and what will be involved in establishing the relationship.

The best cooperating association partnerships are designed to be long-term relationships. It is important to select a cooperating association partner carefully. There are basically three options:

- An existing cooperating association adds a new site or sites to its other operations on public lands;
- A new association forms to serve the BLM locations; or
- An organization founded for other purposes makes modifications so that it can take on the role of a cooperating association.

Which is the best approach for a specific BLM location depends on the circumstances. Here are some things to consider for each of the three options:

## **A. Working with an Existing Cooperating Association**

Numerous cooperating associations already exist that have multiple sales operations on public lands and that may be interested in entering into an agreement with the BLM to operate at another location. This is often the fastest and most efficient way to begin a cooperating association partnership. Here are some pros and cons to working with an existing cooperating association:

### **1. Advantages**

- The board of directors is already established.
- The organization is already set up as a cooperating association with tax-exempt status.
- It already has relationships with contractors, publishers, and other sources for interpretive products and services.
- The association understands and has a history of developing interpretive and environmental education materials.
- The association may already have an inventory that matches the area's needs.
- It may have the seed money and supplies to establish a new sales area.
- Income from other sales areas may be available to subsidize a new sales outlet while it gets established.
- The existing association may be able to purchase new equipment and inventory at lower cost because of accumulated buying power.
- It already has policies and procedures for managing staff and business operations.



- The organization's history can be checked to see that the association is financially stable and has a good record of working with the BLM or another public land management agency.

## **2. Disadvantages**

- There may be fewer opportunities for local community involvement on the board of the association.
- Board members may not be as familiar with another site's particular needs.
- Larger associations may have different priorities than a new sales area or interpretive projects and be slower to respond to your needs.
- New product development may be generic rather than site-specific, or focused on areas and sites other than yours.

## **3. Choosing an Existing Cooperating Association**

### **a. Finding Cooperating Associations**

There are several sources for information on existing cooperating associations:

- Contact the BLM State Office to see which associations are already operating at BLM sites in your State.
- Check with other Government (Federal and State) land management areas in the region. Many cooperating associations serve more than one agency.
- The Association of Partners for Public Lands publishes a directory of member cooperating associations.

Not all cooperating associations may be interested in expanding into new areas. Some may be chartered solely to serve a specific location or may not be financially able to expand. Other associations, however, may be more broadly chartered and welcome new service and/or business opportunities. Preliminary inquiries will indicate which associations are already multi-site or are at a stage where they might consider expansion. Usually the organization's executive director will be the initial contact.

### **b. Requesting Applications**

From preliminary research on whether a cooperating association could benefit the area, work with your Assistance Agreement procurement officer to develop a request for application to be sent out to cooperating associations that might be interested in your area. When describing

the opportunity, think about what an existing organization will want to know in considering a new business venture. Here are some questions to address:

- Why should there be a cooperating association for the area?
- Is there strong management and staff support for affiliating with a cooperating association? Will that support likely remain strong if the initial players are no longer there?
- What is the anticipated scope of operations, such as size and number of sales locations and available facilities?
- What is the average visitation and seasonal variation?
- What hours of operation do you anticipate?
- What amount and type of staff assistance can the BLM provide?
- What is the nearest town or other source of labor?
- What product themes suit the site?
- What is a reasonable timeframe for completing a review process?

Identify the services to be expected from an association. Here are some examples:

- ability to provide a sales operation
- ability to publish materials
- ability to run a volunteer program
- ability to conduct interpretive programs
- ability to network with members of the local community

Although the specifications may change during the negotiations with an existing association, it is important, early in the process, to have a written description of the proposed purpose and scope of the relationship. This document will also be useful later in developing the appropriate agreements to formalize the selection.

### **c. Making the Choice**

Whether several existing associations or only one shows interest in providing the services identified, there should be pre-determined criteria for evaluating the response(s). Here are some things to consider in choosing an existing cooperating association as a partner:

- Require a written prospectus or business plan from each association being considered.
- Give all associations equal opportunity to be considered and provide consistent information to each.
- Assess the ability of each cooperating association to deliver the services identified in the request.
- Remember that the focus of the cooperating association relationship should be on public service, not on money.
- Consider the past performance of each cooperating association (if any) in providing services to the BLM and/or other Federal agencies.
- Obtain references from other Government offices that have worked with the association.
- Consider the ability of the BLM to access the association's leadership.
- Consider the association's financial viability to sustain the new operation.
- Provide an explanation of the final choice to all other associations involved in the process.

## **B. Developing a New Association**

Creating a new cooperating association takes a considerable amount of time, seed money, and business expertise. It is usually best to first consider utilizing existing associations or partnerships rather than creating a new one. There will be times, however, when a new association is the best or only answer. Here are some pros and cons in considering a new association:

### **1. Advantages**

- The relationship to local communities may be stronger because board members and employees are likely to be drawn from the local area.

- The association may be able to devote more attention and quicker response because of proximity.
- The association may have a better understanding of local needs and issues.
- The association's priorities may more closely match the area's, such as producing site-specific materials.
- The association may have greater ability to develop local networks and tap into other locally-based organizations that have similar missions or interests.

## **2. Disadvantages**

- It may be harder to find committed board members and to nurture their interest, especially if the population base for the association is small.
- BLM staff may need to devote more time to maintaining the enthusiasm and involvement of board members.
- The learning curve for establishing and managing a sales area may be greater.
- The learning curve for knowing appropriate and effective sales items may be greater.
- Buying power may be limited due to inexperience or low volume purchases.
- The local association may have debt for start-up costs that delays its ability to be self-supporting.
- Start-up time is much longer, sometimes years instead of months.
- Starting a new organization is more work for the agency staff.
- There is greater potential for appearing to overstep boundaries between private and public responsibilities.

## **3. Determining Feasibility**

How do you know whether the conditions at your location can sustain a new cooperating association? There should be a realistic assessment of the business potential for a new association. Consider, for instance:

- visitation to the site(s);

- potential income from sales and other programs;
- costs of operation;
- seasonal variations in visitation/demand for products and programs;
- potential for staffing;
- BLM management and staff time that can be devoted to making the partnership a success.

A feasibility plan should be prepared that projects the probable timeframe and volume of activity for an association to be debt-free and self-sustaining; to maintain essential staff, such as a business manager or bookkeeper, and a volunteer or staff pool; and to be able to buy inventory in bulk.

The feasibility plan should also consider how much start-up capital will be needed for inventory, equipment, supplies, and other operating costs. This might come from interest-free or low-interest loans from existing associations, foundation grants or loans, bank loans, or donations. A realistic financial or business plan for the new organization's first few years will be important in assessing the viability of starting a new organization and, later, for the annual budgeting process.

If the feasibility assessment suggests that a new association can become self-sustaining in what seems a reasonable amount of time, the process is off to a good start. Although the order of steps may change, the following checklist gives a general framework for the creation of a new cooperating association:

#### **4. Checklist for Start-Up**

**Community interest.** With good fortune, outside parties may initiate the idea for a cooperating association. If not, BLM staff and others in the community may need to explore interest among individuals or groups. The nucleus for interest in furthering the understanding and appreciation of public lands or of a specific BLM area may be found in existing conservation groups, hiking clubs, agency retirees, friends groups, or, perhaps, enthusiastic volunteers working at the site.

There must be interest among non-Government parties who are willing to start the organization. It is appropriate, however, for agency representatives to identify who those people might be and to explain the purposes of cooperating associations, BLM agreements and policies, how associations work with agencies in other areas, and what might be accomplished with a new association.

**Steering committee.** This group spearheads the organizational effort. It may or may not become the initial board of directors. This small, working task force should include people committed to the concept of cooperating associations and also knowledgeable about not-for-profit entities. It

should include, or have access to, the services of an attorney, preferably one who specializes in tax-exempt organizations.

**Initial board of directors.** The first board of directors for a new association will probably determine its future for many years to come. Ideally, this charter group should be manageable in size (five to nine members), have a common interest in the objectives of the cooperating association, and represent a cross-section of organizational skills and business expertise, such as retail sales, accounting, publishing, financial management, and/or tourism. Current BLM employees may not serve on the board of directors. However, retired agency employees can be valuable board members because of their knowledge of the BLM's mission and operations.

**Articles of incorporation and bylaws.** A cooperating association must be incorporated under the laws of the State in which it initially resides. State regulations vary, but all associations will need to submit articles of incorporation. The articles should be as brief and broad as possible, but clearly state the educational purposes of the association.

Bylaws are more detailed procedures for governing the organization, such as the number of people on the board of directors and how they will be selected. Models for these documents are available from many sources, such as the Association of Partners for Public Lands. The specific documents for the new cooperating association should have legal review to be certain they are consistent with State regulations.

**Incorporation as a not-for-profit business.** The initial board of directors should apply for incorporation from the appropriate Secretary of State. In addition to incorporation in its resident State, the association must register as a "foreign corporation" in any other States where it will operate. The time required for this process varies among States, but a year is not unusual.

**Employer identification number.** After an organization obtains State incorporation, it must apply for an employer I.D. number from the U.S. Internal Revenue Service. An Employer Identification Number is required whether or not the association has employees.

**Tax-exempt status.** Cooperating associations must meet requirements for both State and Federal not-for-profit status. Recognition as exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Service Code is required before an organization can enter into an agreement with the BLM to operate as a cooperating association. Tax-exempt status is also required if donors are to claim tax credits for gifts to the organization.

**Other Business Requirements.** There may be additional State or local regulations for operating a business. Knowing State and local tax and employer requirements and whether there are exceptions for not-for-profit entities operating on Federal property can be complicated. An attorney's guidance, especially in the start-up stage, is vital.

## **5. Board of Directors Is Key**

Instead of automatically assuming that the steering committee will become the first board of directors, the committee should think about the design of the board overall. The initial board of directors will not only deal with the practical aspects of starting the organization, but will also establish policies and direction for the future. What will be the ideal balance of skills, familiarity with the site and purposes of the association, and community involvement? The needs of the association will change over time, and there should be a systematic process for evaluating the composition of the board and electing new board members.

There is no prescribed size of boards or length of board terms for associations. Experience suggests, however, that limiting the length of terms board members can serve promotes organizational vitality and effectiveness, and that a small size board of five to nine people works best. While the size of the board itself may be small, there are other ways to tap the interests and additional skills of people through committees, advisory groups, and memberships. These also become vehicles for identifying prospective board members.

For the association to be a viable cooperator for the BLM's educational and interpretive mission, the board of directors must be public-spirited and understand the association's role, particularly in terms of its mission-based, not profit-based, focus. In addition, the board should include people who can make informed decisions about association activities, such as sales, publishing, educational programs, fundraising, and the use of donations.

The board of directors, not the BLM, is responsible for managing the association. If the association can afford paid staff, the board's role is to select, compensate, support, and evaluate the chief administrator. The board also approves the budget and human resources policies that the administrator uses in managing other staff. If the association is too small to afford staff, the board must work with the BLM to determine the logistics for the operation.

At the start-up stage, in particular, the board's stature in the community will be useful in attracting and motivating other volunteers. Careful thought should be given to selecting individual board members. Here are some criteria to consider:

- How involved is the person in the community?
- Does he/she understand the issues and special needs of the BLM public lands?
- Is the person familiar with board structure? With cooperating associations or other not-for-profits?
- What expertise will this person bring to the selection of materials and programs offered to the public by the cooperating association?
- Will the person be supportive of the mission, policies, and goals of the BLM and the association?
- How will the person's particular knowledge, skills, abilities, and community linkages complement those of current board members and other individuals being considered for board service?
- Will the individual's personality and leadership style fit well with other board members?
- Does the person have integrity and respect that will reflect positively on the association?

and its board?

In addition, it is important that the individual is willing and able to contribute the time needed for board service. In the formative years of the association, the board may have to be very “hands-on,” with considerable day-to-day involvement that would otherwise be done by staff. For instance, the board treasurer may need to fulfill the financial tasks that would normally be done by a staff business manager.

Organizations that choose their board members primarily on the basis of prestige and community “connections” are often disappointed when board members do not attend meetings or share the workload. Sometimes it is not lack of interest, but, rather, the well-intentioned board member is over-committed with other responsibilities. This is especially true in small communities where other civic organizations may compete for the same limited pool of potential board members.

As an association matures and is able to afford professional staff, its board of directors will become less “hands-on.” The board’s role will evolve to one of policy setting and oversight. The time commitment for individual board members will decrease, and a different composition of board attributes will be needed. In the formative years, however, the commitment of time from individual board members should not be underestimated.

The involvement of the board of directors is crucial to the success of a start-up organization. In fact, the board is so important to the success of the enterprise that if there is not a pool of dedicated, knowledgeable, and willing people for potential board service, the option of starting a new cooperating association would be unwise.

## **6. Help with Start-Up from an Existing Cooperating Association**

Sometimes an existing cooperating association may be willing to foster a new association for a few years while it becomes established well enough to operate independently. This approach has many advantages. For instance, the existing cooperating association may:

- provide the seed money to obtain initial inventory;
- expedite development of staff and operating procedures;
- mentor the new board of directors;
- provide expertise in merchandising and program development.

With this approach, visitor services can already be underway while the steering committee works through the steps to establish the new organization. This can also be an important trial period for



the new organization to learn from practical experience what will be needed to sustain operations and satisfy visitor and agency interests when the time comes to stand on its own.

There should be a clear business plan for the transition from the existing organization to the new entity. Prepared jointly by the parent association, the BLM, and the steering committee for the new organization, the plan should clearly define the following at the outset:

- the length of time that the parent association will operate at the site, or the revenue level that must be reached before the new association is expected to function fully on its own;
- the return the parent association expects for investing in the start-up operation;
- the existing association's role, if any, in organizing the new entity.

As noted elsewhere, there are financial costs to starting up a new sales operation. The existing association will need to weigh those costs against a desire to serve the BLM by fostering the new organization.

### **C. Modifying an Organization to Become a Cooperating Association**

Another alternative to starting from “the ground up” in forming a new association is to work with an organization that already exists, but not yet as a cooperating association. In this case, the existing organization is modified as needed to qualify as a cooperating association.

For instance, there may already be a not-for-profit organization established in the area—such as a museum association, historical society, library association, or friends group—that already has its 501(c)(3) exemption status and has programs or interests somewhat allied to the BLM's. Such a group may be interested in reconstituting itself for the purpose of providing the sales operation and supporting the interpretive and educational purposes required of a cooperating association. Depending on the circumstances, this may require amending the articles of incorporation and bylaws, changing the composition of the board of directors, changing the organization's name, and making other modifications.

Similarly, there may be an existing organization that does not have IRS tax-exempt status because it was not originally formed for educational or charitable purposes, or because it simply has not sought the 501(c)(3) determination from the Internal Revenue Service. Again, the nature of the modifications needed to take on the role of a cooperating association will vary, depending on the type and original purpose of the organization.

Modifying an existing organization can shorten the start-up time for a new cooperating association. The nucleus of a board of directors and some degree of organizational structure already exist. Also, there may be existing local community involvement, and, possibly, even seed

money and other resources to contribute to the new enterprise.

In choosing this option, however, be careful that the existing group does not have goals that may conflict with the mission and goals of a cooperating association. To be an effective cooperating association, the organization must be genuinely committed to supporting the BLM's interpretive and educational mission.

It can be difficult for an existing organization to change from its original purpose to that of a cooperating association without having some internal tensions and conflicting priorities. However, there are examples of successful transitions among organizations that work with the BLM or other public land management agencies, and this option should not be overlooked as a way to start a new cooperating association.

## **D. Your Role in the Cooperating Association Partnership**

### **1. Ethics and FACA Considerations: It's the Law**

The section on "Importance of Independence" above cautions against actions that could suggest a conflict of interest between a Federal employee and/or agency and a non-Government entity with which the agency conducts business. Because the financial interests of a cooperating association are directly affected by decisions made by BLM employees, such as the approval or disapproval of sales facilities, hours of operation, particular sales items, and the like, BLM employees must be particularly careful in personal dealings with the association. Furthermore, the association must remain independent of even the appearance of agency management or control. This is why BLM employees cannot serve on an association's board of directors.

In addition to ethics regulations for Federal employees, you should also be familiar with the Federal Advisory Committee Act (FACA), 5U.S.C.A. App. 2 (86 Stat.770, as amended). FACA was enacted October 6, 1972, to reduce narrow special interest group influence on decision-makers, to foster public access to the decision-making process, and to control costs by preventing the creation of unnecessary advisory committees. Be aware of the provisions of FACA when gathering public input for decision-making and when working in collaborative efforts, as may be the case in the development of a new cooperating association.

Keeping an appropriate separation between the association and the BLM can be particularly difficult when a new cooperating association partnership is being created. If you are the BLM manager at the site, for instance, you probably know the local circumstances best. You and your staff have determined that a cooperating association could serve the public and the BLM in a particular area; you have assessed the need and the viability; and you have done some preliminary research about associations that might be interested in the site or whether a new association should be formed. You know what the BLM expects of an association and the guidelines that must be followed. You have the vision for the kind of organization needed. So, what can you appropriately do to help establish a cooperating association partnership?

## **2. Encouragement and Guidance**

Your role is to help others see the BLM's vision for a cooperating association and to share knowledge that can guide the process. Guide, but not control.

If the partnership will be with an existing cooperating association, you and other BLM employees may be very involved in identifying potential associations, developing the invitation, and negotiating terms. The final selection should be a group decision-making process and based on objective, justifiable criteria.

In the case of creating a new association or modifying an existing one, the distinction between guidance and control can be difficult. For instance, you might identify some individuals who have the kind of enthusiasm and initiative that an organizing effort will require. You can discuss with them the idea of forming an association. You can serve as a resource to them by providing information about cooperating associations, describing the approval process for operating with the BLM through an Assistance Agreement, and sharing your knowledge about the potential for an association at a specific location. This is part of an appropriate role of encouragement and guidance.

You can also provide information and even advice to a steering committee; but BLM employees cannot in any way control their decision-making. You can provide descriptions of the type of board members that would be helpful in forming the association, but not direct who should be on the board. You can put them in contact with other associations and provide guidance through this *Handbook* and any other information that might help inform their decisions. But BLM employees cannot make the decisions for them. In the end, the private citizens must independently determine whether and how to form the organization. The BLM must be able to assess objectively whether the organization they form can fulfill the expectations for a cooperating association at that site.

Establishing a cooperating association partnership—either with an existing organization or with the creation of a new one—is a time-consuming process. Assisting association leaders to understand agency policies and determining procedures, such as selecting merchandise; working on the terms that will be reflected in the Assistance Agreements; and the details of setting up the sales facilities, will all take time. That's where the encouragement comes in. Keeping in mind the public benefit that cooperating associations serve can inspire the agency personnel and private citizens involved in the process to achieve their mutual goals.

## **V. FORMALIZING THE RELATIONSHIP: Agreements**

### **A. Why Use an Assistance Agreement**

The BLM and the cooperating association both benefit from this partnership. Although the specific terms vary, there will be an exchange of value, which may include property, services, or direct funds. Because of this mutual benefit, the Assistance Agreement is the proper instrument to formalize the partnership with a cooperating association.

The Assistance Agreement is a legal document covered by the BLM's agreement procedures. It is sometimes called a grant or cooperative agreement. If the primary purpose were to acquire goods or services for the direct benefit or use of the Government, a procurement contract would be used instead. The Assistance Agreement, on the other hand, recognizes mutual benefit. It is important that all parties understand the mutually beneficial relationship and how this relationship is supporting and stimulating the BLM's interpretive program.

You should work closely with an agreements specialist in the early stages of developing the Assistance Agreement to make sure the agreement conforms to current policy and language. The cooperating association should also be involved in developing the agreement. Assistance Agreements are binding documents, and both parties need to know their respective responsibilities. It is appropriate for a BLM official to meet with the association's board of directors to explain the agreement(s).

Remember that the association must have 501(c)(3) tax-exempt status from the Internal Revenue Service *before* entering into the agreement(s). If the association loses its nonprofit status, the agreement(s) will automatically be terminated.

## **1. Signing Authority**

Only designated Assistance Officers may award an Assistance Agreement. The necessary approval levels for the BLM are determined by the expected dollar value over the life of the agreement. The signing authority for the association is the individual designated by its board of directors.

Supplemental Agreements, which expand or modify the original Assistance Agreement, are signed at the same authority as the parent agreement.

## **2. Statewide Assistance Agreements**

Individual BLM State offices may enter into a Statewide Assistance Agreement between the BLM and a cooperating association that has multiple operations in the State. This master agreement can streamline the process of developing agreements for future operations by stating the general provisions for the cooperative relationship. Each of the sites included in the master agreement will require a Supplemental Site Agreement, and a Task Order.

More than one cooperating association can have a master agreement within a given State.

However, an individual BLM site can not have an agreement with more than one cooperating association.

### **3. Sample Agreement**

The specific provisions of an Assistance Agreement will vary. In general, the agreement lays out the purpose for collaboration; each party's authority to enter into the agreement; their respective responsibilities; key personnel, including the primary contacts and liaisons for each party; terms of the agreement; and specific provisions required for Federal agreements.

An example of an Assistance Agreement is included in the Appendix to this *Handbook*. This model is also available electronically from the BLM's State procurement offices or from the National Lead for Interpretation. Although you will need to work with a procurement officer and with association representatives on the details of a new or renewed Assistance Agreement, this model may facilitate the process.

A common issue when deciding the terms for the Assistance Agreement pertains to the distribution of proceeds from revenues generated through activities under the agreement. The subject of donations, or aid, will be covered in a later section of this *Handbook*. In general, it is not advisable for the Assistance Agreement to specify that proceeds, or a set percentage of proceeds, be returned to the BLM. The revenues belong to the association as a private entity, and the association's board determines the disbursement of any proceeds.

The association should have an established policy for distributing proceeds, and the Assistance Agreement may refer to that policy, perhaps as an attachment to the agreement. Or the agreement may make a general reference to aid. This might be through reference to the Task Orders, which are more specific, or by stating that revenues generated as a result of the agreement and distributed to the BLM must be used for mutually agreed-to projects appropriate to the interpretive and educational purposes of the agreement.

#### **B. Task Orders for the Agreement**

Task Orders have to be written against an existing Assistance Agreement. The Task Order authorizes the specific services or work to be accomplished. It is required if the BLM is providing the operation or project with funding or Government-furnished materials acquired with appropriated funds.

Typically, a Task Order does the following:

- identifies the specific task or scope of work;
- lists the specific items to be delivered;
- specifies the delivery schedule;

- includes any necessary drawings or location maps; and
- identifies the cost for the task and what each party will contribute.

The Task Order, which is more specific than the Assistance Agreement, provides the information needed by the Assistance Officer and the association to understand the task. It is signed at the same level as the Assistance Agreement.

## **C. Site Specific Operating Plans**

Site Specific Operating Plans give more details than the Assistance Agreement. For instance, for a sales operation, this document describes the day-to-day operation for the individual sales outlets, including such specifics as:

- objectives for the sales area
- hours of operation
- standards of service
- contact personnel
- information on staffing
- procedures for handling and accounting for money
- procedures for review of sales items
- responsibilities of each party in the agreement
- list of merchandise to be sold

When procedures are lengthy or are written elsewhere, the Operating Plan may refer to them, rather than repeating details found in other documents. For multiple locations under a Statewide master agreement, there should be a Site Specific Operating Plan for each. The parties collaborate in developing the plans and should review and modify them as circumstances change.

## **D. Annual Plans**

As the name implies, the Annual Plan documents what the BLM and the cooperating association hope to accomplish jointly in the year ahead. The plan helps the association to budget for the needs of the area and helps the BLM know what it can expect from the association in a given year. The Annual Plan does not obligate either party to provide funding, but it can outline the

intent to do so for any given project. Federal funding is based on congressional appropriation and cannot be obligated or promised until released by BLM budget officers.

The Annual Plan may be a letter of agreement or memorandum that is less formal than the documents just described, but it should be in writing and signed by representatives of both parties. It becomes a useful record of intent, which helps inform those who may not be at the site or otherwise involved on a daily basis. It also provides continuity in the event of changes in key personnel, and a basis for annual evaluation of how well the partnership is achieving the objectives.

The Annual Plan should include reasonable goals of the partnership for the coming year. This is where discussions of level and kinds of aid usually occur. When jointly developing the plan, the BLM provides a “wish list” of interpretive projects, with priorities and estimated costs, which the association can match to its own priorities and to the realities of its budget. Projects that the partners agree to do may need additional Task Orders.

The annual review, which the Assistance Agreement requires, considers the overall framework of the relationship. The Annual Plan is an opportunity to forecast and identify specific partnership goals for the site.

## **VI. DEFINING THE RELATIONSHIP: Generally Accepted Practices**

The BLM benefits from public awareness of its role and mission in managing natural and cultural resources on public lands. We establish partnerships with cooperating associations to provide materials and activities that can help the public better understand, enjoy, and protect those resources.

The specific details of Assistance Agreements between the BLM and a cooperating association will vary. However, there are generally accepted practices in these relationships, which have developed over the many years that cooperating associations have assisted Federal land management agencies. Most of these practices apply to cooperating services for the sale of interpretive and educational materials, as described below.

### **A. Sales Operation**

#### **1. Review and Approval of Sales Items**

A cooperating association uses a designated BLM facility (and, by extension, mail order, Web site, and/or off-site satellites of the designated BLM facility) to sell approved interpretive and educational items for the benefit of the public. The Assistance Agreement and accompanying site-specific agreements establish the approval procedures for the items that will be sold.

Requiring agency approval of merchandise offered to the public is primarily a mechanism for quality control. It assures that the sales operation will comply with the purposes of the cooperating association agreement and the BLM's customer service goals. The BLM approval is also an important protection for the cooperating association. After all, the association has significant advantages over commercial enterprises. It operates in a prime location for visitor contact, at little or no cost for facilities, in a tax-exempt environment. Concessioners or other merchants may complain about unfair business competition if they see questionable practices.

The sales operation is a cooperative enterprise, and its success depends on mutual understanding and shared responsibility for achieving the operation's customer service goals. A prompt response to requests for review is important so the association will have time to order stock or make other inventory changes. Timely approval may make the difference in whether items are available for the prime selling season and for special events. This may also affect the association's budget and sales projections. Therefore, the partners should agree on a timeline for reviewing requests—usually 30 days or less—and a procedure for expediting decision-making when necessary.

The BLM also approves prices for merchandise. The parties should agree on a procedure for setting prices initially and for dealing with price changes on previously approved merchandise. Associations agree to sell items at fair market value. Fair market value can be determined by comparing similar items available in the same general geographic area under similar conditions, allowing for seasonal variations, visitation, and other factors. Consider the visitor's perception if the same item is found in more than one location. Consistent and justifiable pricing is especially important when an association sells the same item at more than one location.

The BLM official having approval authority has the burden of determining what merchandise will be offered to the public through the association's sales outlet. He or she should not take that responsibility lightly. Nor should the reviewer let personal biases affect decisions on merchandise selection or pricing.

Established associations have years of experience in selecting and producing quality merchandise, and the official reviewer can usually count on an association's expertise in providing an appropriate sales mix. Less experienced buyers and reviewers will learn this over time. In general, buyers and reviewers should recommend only items that appear to be consistent with agreed upon criteria. In the end, however, the decision of the authorized BLM official prevails.

A sample or review copy of the item should accompany all requests for approval. In the case of works in process, the work needs to be very near completion in order for the quality of the finished product to be evaluated.

If the BLM declines to approve an item, the reasons should be documented and explained clearly. This documentation will be especially important if an author or producer protests the



BLM's decision. The best protection against challenges is to have a clear plan for merchandise selection, with justifiable criteria that are objectively and consistently applied.

## **a. Two Tools for the Review Process**

There are two tools that can help the review and approval process: the Sales Item Review Form and the Scope of Sales Statement. Examples of both are included in the Appendix.

### **(1) Sales Item Review Form**

This is a simple form that accompanies items submitted for approval and standardizes the review and record keeping. Typically, the form includes the following:

- a place to identify and briefly describe the item and the suggested retail price;
- a checklist of key questions or review criteria for determining whether the item should be considered for this outlet and how it fits into the outlet's scope of sales matrix;
- why an item is being requested and by whom;
- space for a statement of approval or disapproval;
- a place for the reviewer to sign and date the form.

The review form should be prepared in duplicate so that both the authorized BLM reviewer and the association retain copies for their records. Using a standard fill-in form expedites the documentation and achieves consistency in the review process.

### **(2) Scope of Sales Statement**

The Scope of Sales Statement is a joint document that establishes the primary and subsidiary themes for the area and provides a strategic way to plan an effective sales line. It serves many useful purposes, such as:

- apportioning the space for various types of items;
- providing for a cross-section of sales items in various price ranges and for different audience segments;
- providing guidance for seeking out or developing new products;
- providing a basis for reviewing potential sales items;
- justifying decisions if selections are criticized.

Collaborating on a Scope of Sales Statement is a useful planning process and one of the best methods to ensure that the cooperating association sales outlet is an integral part of the site's

overall interpretive program. It not only helps determine merchandise priorities but also encourages the partners to actively seek appropriate materials. The partners should update the statement periodically and apply it consistently as part of the selection and approval processes.

## **b. Criteria to Consider When Reviewing Sales Items**

In considering proposed sales items, the reviewer should be able to answer “yes” to the following basic questions:

- Is the item consistent with the BLM’s mission and interpretive and educational programs?
- Does the item relate directly to the interpretive or educational themes of the site or locale where it will be offered?
- Does the item contribute to the public’s understanding, appreciation, or enjoyment of resources on public lands and the surrounding areas?

Beyond these fundamental questions, the items must meet the following minimum requirements:

- The item is not illegal or considered hazardous;
- The item does not violate conservation laws or principles;
- The item does not promote unsafe or resource-damaging activities;
- The item presents accurate information in a tasteful way;
- The item’s manufacture and packaging are of appropriate quality;
- The item does not infringe on applicable contract rights of a concessioner;
- The item does not promote discrimination or show prejudice to any individual or group because of race, religion, gender, color, age, physical or mental disability, or national origin;
- The item does not include erroneous information about the BLM. Items that are critical of the BLM may be approved if, in the opinion of the State Director, offering the item is a useful public service; and
- The item fits into the overall balance of interpretive sales items.

Even an item that satisfies all of these criteria will not necessarily be offered for sale. The association will also evaluate the item from a business perspective, considering such factors as shelf life, shelf space, whether the proposed item fills a specific need and complements other

items in the inventory, whether duplicative materials are already available, the potential market, how customers have responded to similar items, and purchase terms.

In areas where no concessioner or commercial outlets are located, or when concession operations are closed, the BLM may permit a cooperating association to sell non-interpretive visitor service items through a concessions permit. Such visitor service merchandise may include film, firewood, crayons, scissors, sunscreen, insect repellent, nonalcoholic beverages, postage stamps, or other items deemed appropriate to the BLM's customer service responsibilities.

### **c. Other Factors in Selecting Sales Items**

Historically, most items sold by cooperating associations were printed materials, such as books, posters, postcards, maps, and brochures. Today, however, the range of merchandise available at cooperating association sales outlets has expanded greatly, because we recognize that people learn in different ways and that non-print materials can be very effective interpretive media.

In addition to the item's interpretive relevance, there are several other factors that the partners should consider in the selection of non-print merchandise:

- The association should know the source and authenticity of all items it sells. Items that incorporate parts of prehistoric or historic artifacts, paleontology specimens, endangered species, and other categories protected under the Antiquities Act of 1906 (Public Law 59-209), the Archeological Resources Protection Act of 1979 (Public Law 96-95), and the Endangered Species Act of 1973 (Public Law 93-205) as amended are prohibited.
- The sale of reproductions, replicas, and derived products is generally acceptable, providing they are not misrepresented as genuine artifacts. Reproductions and replicas should be plainly and indelibly identified as such. An interpretive message that describes the item and the importance of protecting heritage resources should be included.
- Craft or other cultural items should, where possible, be made by members of the culture represented and from authentic raw materials, using authentic methods and specifications. Take into consideration, however, that craft and art are continuously evolving, using new materials, techniques, and expressions which often combine the past with the present.
- Public Law 101-144 prohibits the sale or display for sale of any item in a way that falsely suggests it is Indian-produced or the product of a particular Indian tribe or Indian arts and crafts organization within the United States. Associations should confirm an item's authenticity before offering it for sale as American Indian artwork or handcraft. If dealing directly with the artisan, the association should retain a copy of documentation that says the person is a member of an Indian tribe. When dealing with intermediaries, the association should have the agent's written guarantee that a member of an Indian tribe produced the item.
- Any paid advertising that appears on a sales item, such as on the trailer of a video or a

- display advertisement in a print publication, should be incidental to the interpretive and informational content of the item. Under no circumstances should advertising or vendor information imply a BLM endorsement of the product.
- Apparel and other utilitarian non-print merchandise should be considered carefully in terms of appropriateness for cooperating association sales. Such items should be well planned and designed so as not to be simply souvenirs that might conflict with concessions or be viewed as unrelated to the association's purposes. BLM-identity items that are primarily promotional in nature, such as patches, lapel pins, and T-shirts, may be appropriate for the purposes of supporting BLM educational programs.

The association should be familiar with the Internal Revenue Code pertaining to Unrelated Business Income Tax (UBIT), which outlines parameters for how sales items and other income activities relate to an exempt organization's purpose. Revenues from unrelated activities may be subject to State and Federal income taxes. If the interpretive value of an item is not immediately apparent, an interpretive statement about its relevance to the area's theme(s) should be provided in written form with the item.

Items should not be qualified or disqualified solely on the basis of type. An item is not valid simply because it is a book or invalid simply because it is a T-shirt. In the end, approval or disapproval should rest on whether the item will enhance the understanding and appreciation of public lands and whether its sale will reflect positively on both the BLM and the cooperating association.

## **2. Facilities and Equipment**

Sales outlets operated by cooperating associations on behalf of the BLM vary widely, from a single bookshelf or pushcart to full-fledged bookstores. They may be located wherever the Bureau and the association agree to have a sales operation, such as a BLM State Office or other management office, visitor center, public lands information center, or other public building.

### **a. Design and Construction**

The BLM provides the sales areas and other facilities, such as storage areas, which are identified in the Assistance Agreement or its supplements. The BLM also reserves the right upon written notice (usually 90 days) to relocate the facilities if needed.

BLM and association representatives should collaborate on planning and designing facilities that will house association activities. Because of the impact that facilities have on an association's operations, it is important that the BLM and the association consult in the early stages and throughout the planning, design, and construction of new facilities or the renovation of existing areas. The association will likely have information about operations, visitor use, and sales experience that will be valuable in the planning process.

The plans for any new or existing sales area must be compatible with the design and decor of the facility and approved in advance by the BLM and the building owner, if other than the BLM.

The partners should cooperate fully in designing areas where they share operations. Either party may fund the entire cost of facility improvements, or the costs may be shared. There should be clear understanding of the anticipated costs, timetable, and how the work will be done before an improvement or new construction project begins.

The cooperating association owns any improvements it pays for that can be easily removed, such as removable shelving units and display racks. Improvements that are physically affixed to the site, such as built-in shelving and lighting fixtures, carpeting, etc., remain in public ownership.

If the association undertakes construction of a building on BLM-managed public lands, the building must be transferred to the Federal Government upon completion. Provisions for using the building, on-going maintenance, and other issues of occupancy or management of a structure on public lands should be included in the site agreement.

The BLM must have emergency access to all facilities it provides for association use and may inspect those facilities at any time.

## **b. Maintenance and Utilities**

The Assistance Agreement identifies responsibility for facility maintenance and utilities. Usually the association does not pay for normal maintenance and utilities in Government-owned facilities. However, utilities beyond what would be required for operating the building for Government purposes, as well as such services as telephone, computers, and Government-owned vehicles, may be provided to the association on a reimbursable basis.

The association generally provides and maintains the equipment needed for its daily operations, such as a cash drawer or box, calculator, cash register, and file cabinets. The association should have adequate insurance for its property. It is also liable for damage to Federal property caused by the negligence of its staff or agents.

## **c. Use of Government Vehicles**

Cooperating associations may have incidental use of Government-owned or leased vehicles under a volunteer agreement, if the use is solely for work authorized under the Assistance Agreement or associated agreements. The following conditions must be met:

- Prior approval by an appropriate BLM official;
- Driver has a current State driver's license;
- Driver has signed a volunteer agreement with the BLM; and

- Association has adequate insurance to protect and indemnify the Federal Government in event of an accident.

The use of the Government vehicle must directly relate to the Government's benefit. For example, the association could request approval to use a Government van to pick up wayside exhibit panels that were produced for BLM use, but the association could not use a Government vehicle to make regular check deposits at the local bank.

It is possible for the association to use a Government vehicle on a reimbursement basis. This would be arranged through the procurement office and included in the Assistance Agreement.

#### **d. Sales Area Display and Signs**

The association's sales outlets will likely be primary points of contact with visitors to public lands. They may affect the visitor's impression and enjoyment of other facilities and programs associated with the BLM. Sales outlets should be clean, properly lit, well organized, and safe. Merchandise display should be in good taste and in keeping with the general design and decor of the facility.

Effective merchandise display is an art. Training in design and merchandising can be very helpful in increasing sales and making the most of small spaces and low budgets. The Association of Partners for Public Lands and the Museum Store Association, among others, offer training on sales area design. Training is especially important for a new association that is inexperienced in merchandising.

To the extent possible, display areas should accommodate special visitor needs. The following guidance may improve audience accessibility:

- Display merchandise at a level to be seen by wheelchair users and people of short stature.
- Place items that cannot be reached in an area where assistance is readily available.
- Provide for comfortable movement of all visitors through the display area, including those using wheelchairs.
- Place children's items low enough to be seen.
- In selecting and developing merchandise, consider audiotapes, captioned videos, tactile objects, foreign language translations, and other ways to provide interpretation to visitors who have special needs.

Every association sales outlet should prominently display a sign that identifies the area as a nonprofit activity of the cooperating association at that site. Such signs are important because they:

- Distinguish the sales outlet from a concession, any other for-profit operation, or the agency's operation;
- Explain the presence of sales personnel in a Federal facility;
- Explain that proceeds of sales benefit the interpretive and educational mission of the BLM.

Signage should be compatible with the decor of the facility where the sales outlet is located. The partners should jointly agree on the sign's design and text. Here is sample text:

*"This sales outlet is operated by (name of cooperating association), a not-for-profit cooperating association working in partnership with the Bureau of Land Management. Proceeds from the sales at this outlet help support the educational and interpretive programs of the Bureau of Land Management."*

A similar message might be included on bookmarks, bags, or merchandise tags to explain the purpose of the operation and to encourage sales.

### **3. Off-Site Sales**

The BLM has a vested interest in sales activities by a cooperating association acting on the agency's behalf, even when those sales do not occur in a BLM-managed facility. Merchandise offered in the name of partnership with the BLM should have BLM approval. Items approved for sale within a BLM area are considered also approved for off-site sales at satellite locations or through catalog and Internet methods, without requiring additional review.

#### **a. Multi-agency or Interagency Sales Outlet**

Multi-agency or interagency facilities operate under a variety of management agreements and often include a cooperating association sales outlet to provide visitors with information for the enjoyment of the Nation's public lands. Usually the policies of the lead agency for the facility will also prevail for the cooperating association operation. The association and the agencies involved should cooperatively establish procedures for the sales operation and specify those procedures in a written agreement.

BLM approval is not required for an association to participate in a multiagency or interagency facility. As a courtesy, however, the association should inform the BLM of the association's role. Also, the BLM may periodically review the sales operation to determine if BLM's interests are being served.

#### **b. Mail Order and Internet Sales**

Mail order and electronic sales are natural extensions of the services provided by cooperating associations. Many associations use these techniques to offer information and educational

material to visitors prior to or following a visit and also to the public that may not be able to visit a site in person.

Items sold through mail or electronic catalogs should meet the same review criteria as for on-site sales. As noted above, items that have been approved for sale within a BLM area are considered approved for catalog sales.

The BLM can link its Web sites to cooperating association Web sites, providing the user understands the departure from BLM jurisdiction. All links from government Web pages to external association Web servers must use an intercept script that notifies users that they are leaving the agency's official site.

## **4. Management and Business Practices**

Although a cooperating association is an independent organization, governed by a board of directors, the BLM has a vested interest in knowing that the association is managed in a prudent, responsible way. The Assistance Agreement generally requires that the association conduct its fiscal operations in accordance with accepted business practices.

### **a. Accountability and Annual Reports**

Associations must comply with local, State, and Federal laws and reporting requirements. In addition, associations have a responsibility to ensure that appropriate internal controls are in place to safeguard association assets. Internal controls are procedures for handling and accounting for the organization's assets, not only to protect against loss, theft, or misappropriation, but also to provide accurate and timely information for management decisions. Internal controls can sometimes be difficult in small, remote operations. The advice of an accountant or insurance specialist may be helpful in setting up generally accepted standard accounting procedures.

An accountant can also be helpful in determining the frequency and complexity of financial reports and inventories of stock. Associations that hope to attract external grants or donations, for example, may find that funding sources require an audit and/or financial statement. Whether required or not, obtaining periodic evaluation of financial records by an independent accountant is a good business practice.

At the end of each Federal fiscal year, an association should submit a financial report and a narrative report about its activities to the BLM Field Office responsible for its Assistance Agreement. A copy of the report should also be sent to the National Lead for Interpretation. These annual reports show the level of accumulated support that cooperating associations provide the BLM and also give information and examples of activities that assist in responding to questions.



## **b. Insurance**

As part of its responsible business operations, the association should determine the appropriate level of insurance needed to protect its assets. The Assistance Agreement may require that a cooperating association procure public and employee liability insurance with respect to its activities under the agreement, and that it indemnify the U.S. Government against claims.

The association should consult an insurance professional to determine the additional coverage that may be advisable for its level of operation. Coverage might include: loss of inventory and other property in case of fire or theft; business interruption; security bonding; coverage for actions taken by board members or staff; employment-related claims, non-owned vehicles; event insurance; and natural disasters, such as earthquake or flood. A catastrophe, such as a forest fire that not only destroys a facility but also discourages visitation for months or even years later, can prove disastrous to a business that does not have adequate insurance. And a costly lawsuit, even if it's a false claim, affects the association's ability to fulfill its obligations.

## **c. Reserves**

Similarly, a prudent business operation sets aside a reserve fund to cover operations if something goes awry. It is sometimes difficult for agency personnel to understand that an association may need to limit donations or curtail activities while building a reserve fund. Failure to accumulate adequate cash reserves, however, can result in an association's inability to continue to operate at a time of economic downturn or natural disaster.

Setting aside reserves can also enable an association to take advantage of an unforeseen opportunity or to complete a long-term project. The association should consult its accountant to determine an appropriate level of reserves for its operations and tax-exempt purposes. Reasonable operating reserves are a good business practice and a responsibility of the association's board of directors.

## **d. Budgeting**

An annual budget is an essential tool for sound business management. Not only does it help all parties involved to see the cost of general operations and appropriate reserves, but it also becomes a planning tool for reaching partnership goals. As part of the association's budgeting cycle, the partners should discuss future projects, donation goals, and activities that could affect an association's operation or finances—either negatively (such as closure of a facility) or positively (such as a major celebration or expansion).

# **5. Personnel**

The Operating Plan should describe the staffing for the sales operation agreed to by the cooperating association and the BLM. BLM personnel are authorized to provide sales assistance to the public as part of their customer service duties, but the amount of sales assistance from any one BLM employee should be an incidental part of his or her duties. Determining whether the cooperating association will provide staff for the operation will depend upon the level of gross sales, the availability of BLM personnel, and the amount of sales activity compared to other visitor services. Staffing levels should be reviewed at least annually.

Associations generally provide a central business office to administer the sales operation and, as situations warrant, local facility managers and/or sales staff. In remote or low-volume areas, however, the level of sales activity may not cover the expense of staffing. At times and locations where association employees are not available, BLM employees or volunteers provide coverage for the sales activities.

Even when the cooperating association does provide staff, there will be times when BLM employees or volunteers will assist the sales operation. Such times include, for instance:

- association sales staff are away from their post;
- BLM hours of operation exceed the association's commitment under the agreement;
- during inventory or heavy sales activities.

The Assistance Agreement should be flexible enough to allow the BLM manager to assign personnel for sales activities as circumstances warrant.

Whether the employees are personnel of the cooperating association or of the BLM will determine who supervises and evaluates their performance. An Assistance Agreement may allow the BLM to give money to a cooperating association to hire association personnel for programs or services identified in the specific Task Order(s). It is possible for association money to be used to hire BLM temporary personnel for a specific project funded by the association. However, cooperating associations cannot pay the salaries of full-time, permanent Federal employees.

#### **a. Association Personnel**

Cooperating association personnel should be clearly identified as association employees when they are staffing a sales outlet or providing other service functions for visitors at a BLM facility. They should wear some easily identified evidence of association affiliation, such as an association name tag, vest or shirt with association logo, or a distinctive association uniform. No association employee shall wear a BLM or other Government uniform.

Association personnel are not Government employees and are not authorized to undertake

any Governmental function or activity beyond routine visitor information services and participation in interpretive programs.

Cooperating associations determine the pay rate, terms of employment, and benefits for their employees. Associations also have the responsibility to evaluate the performance of their employees. This, of course, can be difficult if supervisors are not at the same location as the employees. The BLM may, upon the association's request, provide feedback regarding the performance of association employees. Because of the sensitive nature of some personnel issues and the importance of maintaining a distinct separation between management of the association and the BLM, job descriptions and expectations should be clearly understood by all parties involved.

## **b. BLM Personnel**

The Operating Plan for the sales activity includes the name of, or the process for designating, an official BLM contact for day-to-day liaison with the association's representative. The liaison's role is to represent the interests of the BLM and to provide cooperative assistance to the association. Such assistance may include, among other things, the sales operations, making periodic deposits, inventories, reporting, and record keeping for complying with the association's sales policy and guidelines.

All responsibilities and work assigned to a BLM employee for association activities should be included in the employee's job description and job performance evaluation. In keeping with the association's responsibility for its business operation, the association assumes liability for any accidental loss of funds or materials that may result from a BLM employee's action (or inaction), as long as the activities are carried out in a manner consistent with the association's established procedures.

## **c. Training Sales Personnel**

Joint training and mutually agreed upon performance standards are essential to maintaining high-quality operations. Association employees who are involved in visitor contact should be knowledgeable about the BLM area, interpretive programs, visitor services, safety, and the mission of the BLM, as well as their specific duties for the sales outlet.

Similarly, BLM employees who assist in sales activities for associations should receive training on the purpose of cooperating associations, the particular association's operations at the BLM location, and its procedures for conducting and reporting sales and handling receipts.

Training is not only important for front-line BLM employees who will assist the daily sales activities, but it is also important for management and other site staff. BLM managers and procurement personnel need to understand the role and benefits of cooperating associations

and the use of earned revenues. Whenever possible, the association and the agency should collaborate in developing and delivering crossover training to their employees.

## **B. Interpretive Activities and Information Services**

### **1. Publications and Other Interpretive Materials**

When identifying merchandise and information priorities, the partners may decide that a specific new product is needed. Providing visitors with appropriate, high-quality materials not otherwise available is one of the most important functions of cooperating associations.

Interpretive and educational materials may be anything that increases the public's understanding of the BLM's programs or public lands and resources. Generally they are in the form of print publications, audiovisual media, exhibits, CD-ROMs, signs, or other outreach materials.

There are two common ways for the BLM and a cooperating association to collaborate in producing such materials: (1) the association contributes services and/or funding for a BLM-produced product; or (2) the BLM contributes services and/or funding to an association-produced product. In addition, an association may produce a new product on its own, with BLM approval but without BLM funds or services.

#### **a. BLM Interpretive and Educational Materials**

The BLM may enter into joint publication projects with a cooperating association either through a specific Assistance Agreement for that purpose or through Task Orders on the cooperating association master agreement. The agreement should describe the roles and responsibilities of the parties in the cooperative publication and the costs to be incurred by each.

The procurement office can provide guidance for publishing with a non-Government entity. 44 USC 501 requires that all Federal Government printing be procured through the Government Printing Office. However, special authority in the 1992 Appropriations Act (Public Law 102-154) and years following allows the BLM to enter into contracts or agreements with private organizations to print BLM publications, provided that three conditions are met:

- the publication is jointly and cooperatively produced;
- the cooperator agrees to absorb at least half the cost of printing and distributing the publication; and
- the BLM determines that the private printer can meet Federal quality standards for Federal publications

The degree of joint involvement varies and is usually determined by the expertise and resources available from each party. For example, the BLM may produce "camera-ready" art for a publication that is printed through the association; or the association may produce the "camera-ready" art to BLM specifications and be reimbursed by the BLM for the cost.

BLM publications and printing personnel are responsible for ensuring that BLM publications meet Federal and Bureau publication standards. This includes providing guidance in developing the agreement, reviewing material before printing, inspecting final products before distribution, being involved in press sheet inspections when necessary, and providing mailing lists to assure depository library and other mandatory distribution for BLM

publications. Such involvement is not required for publications that are privately published, even if BLM has contributed funding or services.

Cooperating associations may purchase BLM products for re-sale at cost or other discount. Prices are established at the State BLM level and vary from State to State. BLM does not allow an association to sell BLM-produced items that the agency distributes free of charge.

## **b. Association-Produced Collaborative Materials**

Materials for public information or distribution that are developed or produced by the association under the Assistance Agreement must be compatible with the BLM's mission, objective, and public image. The publication should be approved by the BLM and reviewed before printing.

BLM employees may perform all, or part of, the research, writing, layout, design, review, and editing work associated with a product that will be published by a cooperating association, provided that the BLM's contribution does not exceed 50 percent of the total production cost. Where applicable, a statement that credits the BLM for its participation in the project should be included.

## **c. Materials Produced Solely by the Association**

As an independent organization, a cooperating association may develop publications or other materials on its own, without BLM funding or contributed services. If intended for sale or distribution on BLM public lands or in other BLM-related facilities, however, the items still require BLM approval.

Here are some factors for associations to keep in mind when developing new products:

- BLM personnel should be involved early in the concept and development processes. Even if not considered joint projects, it is best if there is collaboration from the start.
- Although the purpose of the product may be site-specific, associations should consider the possibility of wholesaling the item to other markets. Sometimes a simple change in title or terminology can broaden the appeal of a publication. Expanding beyond a specific site to a region, for instance, can increase the market considerably, which can affect design, quantity, and pricing.
- Use printing techniques and materials that support conservation principles, such as recycled papers and soy-based inks.
- Take care to obtain permissions and abide by copyright regulations for text, photographs, and graphics used from outside sources. Associations should copyright or trademark their own products to guard against unauthorized infringement of association rights and to protect the copyrighted work of others that might be included.

- When reprinting government publications or audiovisuals, either in original form or with modifications, the association should obtain explicit permission to use any material included in the original, such as photographs and other illustrations. Do not assume that everything included in a Government publication or film is in the public domain.
- BLM personnel may be involved in developing association-produced materials during duty hours, providing the involvement is incidental to their official responsibilities, even when the items are produced solely by the association.

## **2. Interpretive Programs and Information Services**

Cooperating associations provide important services by conducting and/or supporting interpretive activities that might not otherwise be possible. Programs to help the public to understand and enjoy public lands may be offered on- or off-site, with or without a fee. Examples include: working the information desk and other visitor information services, living history programs, guided tours, field seminars.

Interpretive activities engaged in or conducted by the association must be approved in advance by the Field Office Manager, or designee, and covered in the Assistance Agreement. There should also be an operating plan that documents the details of the program, such as costs, schedule, staffing, equipment, frequency, maximum/minimum number of participants, accessibility issues, safety issues, ticket and fee arrangements, advertising, criteria for measuring and evaluating success, etc.

Interpretive programs and activities provided by the association must meet BLM standards. Employees hired by an association for interpretive and information programs should have education and experience appropriate to the work. The partners should jointly agree on essential standards of performance for visitor contact positions. Although the association is responsible for evaluating its employees, as noted earlier, visitor contact positions are critical to the BLM's customer service responsibilities. The partners should cooperate to resolve any problems with association employees who occupy these positions.

### **C. Aid through Associations**

Cooperating associations exist to support an agency's educational, interpretive, or scientific programs. Primarily this is done through selling or otherwise distributing interpretive and educational materials that enhance visitor understanding of public lands. Increasingly, however, cooperating associations are augmenting that primary role with other types of aid.

Aid, also called "donations," refers to the tangible or intangible goods and services that interpretive associations provide for the BLM. This can take many forms—among them, in-kind

services, equipment and materials, and direct funding through cash donations. The aid or donation must be in keeping with the purposes for which an association was established, as described in its articles of incorporation. The ultimate beneficiary is the public.

Public needs and expectations often stretch the limits of the BLM's budgets, and cooperating associations are a source for additional money and support. After all, they have agreed to support the interpretive and educational mission of the BLM, and they are generating revenues from sales operations in BLM facilities. Sometimes associations also generate revenues from other sources, such as through fundraising or grants.

How does BLM share the proceeds from cooperating association activities? In answering that question, it is important to keep two things in mind:

- The principal way a cooperating association supports the BLM's interpretive and educational program is through the sales operation.
- The revenues earned belong to the association, to be distributed in accordance with its articles of incorporation and the policy of its board of directors.

In reality, however, most cooperating associations expect to share proceeds with the BLM. Furthermore, an association's procedures for handling aid requests and its track record for providing aid beyond the sales function may be considerations in whether the BLM chooses to enter into, or continue, an agreement with that group.

Determining an appropriate level and priorities for aid can sometimes be a challenge. Problems can occur if agency personnel do not understand the value of in-kind services provided by association sales operations or the costs of doing business, particularly for an association that has multiple locations. Generally these issues can be resolved by having a clear procedure for planning and budgeting for donations and by a clear understanding of the issues that affect association operations and the distribution of proceeds. It is also helpful to keep in mind that the amount of funds available for aid will vary among associations and from year to year for a single association.

## **1. Limitations and Uses of Aid Funds**

Cooperating association aid funds should be used to enhance BLM's interpretive and educational programs, in accordance with the association's chartered purposes. Within the broad category of interpretive and educational, however, there are some limitations because of Department of the Interior or Government-wide policies. Specifically, funds donated by a cooperating association should not be used in a manner that has the effect of augmenting Federal appropriations. For example:

- Donated funds cannot be used to fund Federal salaries, with the exception of temporary employees working on interpretive or educational programs, because using



- donated funds for uniformed agency positions would have the effect of augmenting the funds appropriated by Congress for salaries.
- Donated funds should not be used for paying the utilities, grounds-keeping services, building maintenance or similar operating costs for Federal facilities, because that would appear to augment appropriated operating funds.

Outside these limitations on Federal salaries and maintenance costs, there is a great range of appropriate uses for aid from cooperating associations. Here are some examples of the possibilities:

#### Publications and Other Interpretive Media

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- Free or low-cost publications, such as maps, trail guides, newspapers
- Pre-publication costs for sales items
- Audiovisual program planning, design, production, and/or equipment
- Exhibit planning, design, production, artifacts, graphics and/or installation
- Waysides or other interpretive signing
- Foreign language translations for publications, audiovisual programs, or exhibits
- Curatorial services

#### Interpretive Programs

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- Information services, guided tours
- Living history programs, dramatizations, craft demonstrations
- Research, writing, training for interpretive programs
- Training and orientation programs
- Environmental education programs, field seminars, symposia, classroom programs
- Residential programs, such as artists-in-residence

## Other Kinds of Support

- - Sales area design/construction
  - Other structures or facilities related to interpretation/education
  - Library services, such as acquisitions, conservation, cataloguing
  - Photography
  - Memberships/subscriptions to professional organizations
  - Travel/registration fees for conferences, training
  - Support, such as subsistence allowance, equipment, and supplies, for volunteer programs, student conservation programs, junior ranger programs, interns
  - Discretionary funds for dedications, celebrations
  - Equipment and supplies, such as cameras and film, binoculars, computers and software, provided the principal use is related to interpretation/education

## **2. Sources and Levels of Aid Funds**

### **a. Proceeds from Sales and Other Activities**

Revenues from sales are the principal source of income for cooperating associations, although some associations also generate income from memberships, fees for services, and donations. The proceeds from sales can vary considerably from location to location and from season to season or year to year. In some cases, an association may be willing to operate a sales area at a break even, or even a loss, in order to provide a needed public service. Such operations must be subsidized by revenues generated from other sources or locations. Obviously, an association cannot operate at a loss overall, if it intends to stay in business.

We need to understand that associations are businesses, and they must cover their operating costs before there are proceeds to be considered. As businesses, associations need to look out for the future, which means building appropriate operating reserves to fall back on if disaster strikes. They also need to invest in new products and programs, if they are to remain viable.

In general, the cost of goods sold by a cooperating association averages between 50 and 60 percent. Operating costs, including overhead and maintaining an adequate operating reserve averages 20-30 percent of gross income from sales. The National Park Service, which has worked with cooperating associations longer than any other agency and which produces an

annual aggregate report of levels of aid, shows a national average of 17 to 21 percent of gross revenues going into aid to parks. Allocating a portion of the salaries of association employees who provide information services and the pre-publication costs of interpretive sales items account for most of the 17 to 21 percent.

It is important to keep in mind that this is a National Park Service *average*. The amount that any one association gives and that any one area receives fluctuates significantly, and it is affected by many factors. For instance, the following would be limiting factors:

- subsidizing unprofitable sales areas
- being located in areas where operating costs are above average
- recovering from unprofitable years
- being newly established as an association or sales area

On the other hand, well-established associations that have diversified sources of income and lower operating costs may be able to donate a higher percentage of revenues than the average.

Reverses of fortune can affect the income of even well-established associations. Serious wildfires or gasoline shortages, for example, can reduce visitation and sales revenues for significant periods of time. For this reason, it is important to base aid on previous years' earnings and not on anticipated income.

Determining an appropriate level of aid and how the aid will be used is best left to annual negotiations, as part of jointly developing the annual plan, rather than in the Assistance Agreement. Setting an expected percentage of aid in a multi-year agreement does not take into account fluctuations in earnings, and it could have the appearance of augmenting Federal appropriations.

## **b. Accepting Donations for the BLM**

FLPMA Section 307(c) gives BLM the authority to accept donations for the "management, protection, development, acquisition, and conveying of the public lands...." Individuals or organizations may make donations directly to the BLM, which go into a contributed funds account in the U.S. Treasury, "to be appropriated and made available until expended." However, cooperating associations may have donation accounts for the BLM, and often donors are more willing to give to a not-for-profit organization than to the Federal Government. Cooperating associations can serve an important function in accepting donations on behalf of the BLM.

Furthermore, Federal employees are prohibited from soliciting donations; cooperating associations are not. You can share your "wish list" of programs and activities that could be

undertaken with donated funds. It is appropriate, too, for agency personnel to help educate potential donors on the value of public lands or particular programs.

When a cooperating association receives donations for a specific BLM project, the association is accountable to the donors for the use of the funds. BLM personnel must do their part to see that the donations are used for the intended purposes, to complete the projects in a timely way, and to provide appropriate recognition and accountability to the donors.

### **c. Donation Boxes**

Donation boxes in the visitor center, bookstore, and elsewhere on public lands can be important sources for discretionary funds. There should be clear procedures for handling and accounting for the donations. If the association will manage the donation boxes for the agency, there should be an agreement that specifies that all of the donations go directly to the BLM site. A sign to that effect, posted near each donation box, should also state in general terms how the contributions will be used. This not only encourages donations, but it also may prevent a legal challenge from an unrelated organization claiming the right to place a donation box on public lands. Furthermore, without specifying how the monies will be used, the funds collected must be considered miscellaneous receipts of the U. S. Treasury.

BLM employees cannot ask for donations to the box, but they can suggest the donation box if a visitor expresses interest. Also, pointing out projects that were funded through the donation box, such as an exhibit or particular artifact, helps visitors see how the money is used and how even small contributions can add up to significant purchases.

## **3. Determining How to Use the Aid**

There are several ways a cooperating association can provide materials, services, or funds to the BLM in support of interpretive or educational programs. Certainly, the staffing provided by associations for information services or to conduct interpretive programs is a key area of support. There are also direct donations.

### **a. Methods of Direct Aid from Associations**

There are basically two methods for direct donations from the association to the agency: (1) an association may purchase a product or service and give it directly to the agency; or (2) the association may donate funds sufficient to cover the cost of the BLM acquiring the product or service.

For example: the BLM needs an interpretive sign. BLM personnel prepare the text and layout for the sign and take it to the production-ready stage, but the BLM does not have the money to fabricate the sign. The cooperating association may obtain the camera-ready artwork,

arrange and pay for sign fabrication, and donate the finished product to the BLM; or, the association may donate sufficient funds to the BLM to cover the cost of fabrication, and BLM personnel will produce the sign.

If the outside product or service involves a contract, keep in mind that when the Government issues the contract, all Government contracting procedures apply, and the cooperating association cannot administer that contract. However, if the BLM and the cooperating association are jointly paying, or the association is solely paying for the product or service, the cooperating association may issue and administer the contract(s). Of course, if the cooperating association helped to prepare the contract, it cannot bid on that aspect of the project. Your contracts specialist can guide you through issues that might involve contracts related to cooperating association activities.

## **b. Processing Aid Requests**

Usually, when disagreements arise over the donation process, they result from the lack of an orderly procedure for choosing among competing requests for aid. As noted above, aid should be based on the previous years' earnings, not on anticipated income. That not only allows for unforeseen changes that may affect income during the year, but it also allows for a more orderly process for determining the use of donations. Aid requests should be part of an annual budgeting process.

The association and the BLM should work jointly on a procedure for processing aid requests and setting priorities. For a multi-site association, there may be two levels of aid: one that distributes a portion of proceeds among individual sites and another that contributes to the larger system, such as the State Office. A site-specific association may have a simpler procedure, but there still needs to be some process for setting priorities and matching the requests with available funds.

Setting funding priorities on a predictable cycle, such as annually during the budget process, will help the association manage its cash flow and provide the BLM with information on the funds available for approved projects. In addition to the annual budget call, there should also be a process for reviewing interim donation requests. This allows for unforeseen opportunities or the possibility of reallocating aid monies that for one reason or another will not be needed as originally proposed.

Donation requests should be reviewed by more than one person within the agency before submitting them to the association for consideration. Having a committee or multiple-level review process for approval within the association is helpful, too. Multiple reviews reduce the chance of pressure or bias affecting the decision of how aid monies will be used. It helps the association stay true to its purpose and helps the BLM to represent its sites fairly.

The most successful aid programs are those that operate like grant programs. There are guidelines for submitting donation requests and a process for objective, consistent review.

Requiring written proposals to justify the use of the aid monies, including a realistic timetable and budget, helps agency personnel think through the request more carefully. The BLM has a responsibility to ensure that association donations will be spent toward achieving agency goals and for the purpose requested. Similarly, while the association has the right to spend its earnings as it sees fit, in the interest of good partnership it should respect the agency wishes, as reflected in the list of priority requests.

## **D. Fine-Tuning the Relationship**

Cooperation is at the very core of the BLM's relationship with cooperating associations. As the name implies, both the cooperating association and the BLM have responsibilities for ensuring that the partnership works effectively. Problems that do arise usually have their roots in a lack of understanding of each other's priorities or in a lack of communication about matters that are of mutual concern.

Taking positive steps to prevent these problems before they have a chance to occur is the best way to assure a productive and mutually beneficial relationship. A strong working relationship will require a large investment of time and effort on the part of BLM management and staff and diligence on the part of the association staff and board.

### **1. Joint Responsibilities**

The Assistance Agreement usually specifies that the partners meet annually to review operations and to undertake planning, revisions, approval, and other actions required to implement the agreement. The agreement establishes a framework for the overall purposes and long-range goals of the partnership. Applying this framework on the ground, on a day-to-day basis, however, is what really makes or breaks the relationship.

#### **a. Ongoing Communication and Information Exchange**

Understanding one another and working toward a mutual goal of public service are the most important steps in fine-tuning the relationship. There should be an information system that flows not only between partners on site, but also vertically up and down their respective management lines to keep communication open. Open and frequent communication not only helps identify and solve any problems, it also helps the relationship grow. By frequent communication, you will learn more about one another and discover opportunities for greater collaboration.

#### **b. Understanding the Role of Associations at All Levels**

Every BLM employee who works on public lands where there is a cooperating association should know what cooperating associations are, how they serve the BLM and the public, and which specific association serves that area. Even staff who do not come into daily contact with an association should understand the association's role and be able to explain it to someone who asks about the presence of the non-Federal entity.

One of the most frequently heard complaints among associations is that BLM managers do not understand the business aspects of running an association. Another complaint is that managers judge one association against another, particularly in terms of levels of aid, without understanding the reasons for differences. Personnel in procurement offices as well as all management levels that are likely to deal with associations should have opportunities to learn about cooperating associations and how they differ from other types of groups that partner with the BLM.

Likewise, association personnel and board members need to understand how the BLM functions, how decisions are made, what the priorities are, and how to accommodate one another's procedures and time schedules. This should occur not only at the site level, but also at higher levels. For instance, all new board members of an association should receive orientation to the BLM. There should also be periodic opportunities for the entire board to meet with BLM representatives.

This is particularly important for associations that work with more than one Federal agency. Although cooperating associations have the same general parameters with all Federal public land management agencies, each agency's experience with associations is somewhat different. Knowing and respecting those differences can help the partners work together more effectively.

### **c. Participating in Joint Training**

The BLM and the associations share a responsibility for providing training, especially at the site level. Partnership training at other levels can be useful, too. The Association of Partners for Public Lands, the National Association for Interpretation (NAI), and BLM's training centers can be helpful resources for providing venues and trainers for partnership issues.

The most effective training brings the counterparts in the BLM and the association together in the same room for the same training curriculum. Joint training involves a commitment from both parties. It is the best way to avoid problems and to open up new opportunities for successful partnering.

### **d. Agency Participation in Association Activities**

The cooperating association should always notify its BLM liaison of a forthcoming board meeting. Participation at board meetings provides an opportunity for BLM officials to convey information that could affect plans and activities of the association. It is also an opportunity

for the association to communicate information that may affect its ability to serve the agency and the visitor. This is especially important for a site-specific association where close collaboration between the association and the site's management is essential.

For an association that serves multiple agencies and sites, it may not be practical to have BLM representation at all board meetings. In notifying agency representative(s) of upcoming board meetings, the association liaison should ask if there are specific BLM-related matters for the agenda. Copies of the minutes of the board meeting and any other pertinent information should be sent to the BLM representative(s) following the meeting.

BLM participation on association committees, except for those related to association personnel and administration, is appropriate. Committee involvement is a way for BLM and association partners to work together on programs and to keep communication open.

## **2. What To Do If...**

Taking preventive measures to avoid problems before they occur is the best route to effective partnerships. But even the strongest relationships can become strained at times. Specifically, the two areas where friction is most likely to occur include the distribution of proceeds from association activities and BLM actions that affect the business operations of the association, such as closure of a facility.

Knowing that these can be problem areas can help the partners develop solutions before a situation escalates. For instance, in the case of disagreements over distribution of proceeds, there are several steps that may be helpful:

- Training in the role of associations and the donations process;
- Open discussion of priorities for each of the partners;
- Discussion of realistic timetables and goals for aid;
- Putting agreed-upon priorities and goals in writing to refer to when circumstances or personnel change;
- Sharing the decision-making about aid, such as having a joint BLM-association committee for reviewing proposals and setting project priorities;
- Alerting the other partner as early as possible if circumstances affecting aid change;
- Respecting one another's position when expectations are not being met; and
- Suggesting compromises or alternatives for reaching objectives if conditions warrant.



The other common area for friction comes when the BLM fails to consider the business implications of its actions. For instance, here are examples of situations that can result in reduced visitation and lost sales:

- closing a visitor facility for renovation;
- changing traffic patterns;
- restricting parking areas; or
- adding or increasing entry or program fees.

Recognizing how such actions can adversely impact an association's operations and seeking ways to try to mitigate the situation will be important for maintaining the stability of the partnership. For example:

- Provide as much advance notice of changes as possible.
- Be realistic about the time that business may be interrupted or otherwise affected.
- Involve the partners in deciding if interim steps should be taken. Will a facility be closed long enough, for instance, to justify creating a temporary facility?
- Work together on a public information program to help visitors understand the change and, if appropriate, provide visitors with alternative services.
- Encourage staff to promote the association's sales operation, Web site, and/or other programs as a source for information and to build new business.

It bears repeating that the relationship with a cooperating association is intended to be a long-term partnership. If a problem does arise, it is important to try to solve it directly with the cooperating association partner. Few things undermine a relationship faster than having a partner hear about some dissatisfaction from a third party, or having a problem escalate to higher levels before the immediate parties have a chance to resolve it.

There is always room to improve partnership skills, and you can find guidance from many sources. Partnerships have become a necessary way for doing business in today's world, and it is easy to find books, articles, Web sites, and training opportunities to help you and your partner hone partnership skills. Some of these are listed in the Appendix.

### **3. Changing or Dissolving a Partnership**

Although most Assistance Agreements are intended for multiple years, circumstances affecting the relationship may change. Either party may ask to modify one or more provisions of the agreement or, in extreme cases, terminate it.

Termination does not necessarily mean a failure. The parties may decide that it is mutually beneficial to end the relationship. For instance, an association may decide that it is overextended in trying to manage the operations at a particular site, or the agency may determine that it cannot provide the facilities or personnel originally offered for the operation.

In the event an agreement is terminated, the parties need to decide what will happen to the merchandise on hand as well as other tangible or intangible property, such as copyrights.

## **VII. EXPANDING THE ROLE OF COOPERATING ASSOCIATIONS**

In an environment of increasing emphasis on partnerships and sensitivity to customer service, more and more associations are expanding programs to generate new sources of revenues and respond to the BLM's needs. They may find that depending solely on sales operations on BLM public lands is too limiting for long-term growth and service. As long as new activities are within the association's chartered purposes and are consistent with its service mission, the BLM should be open to the possibilities and opportunities for new ventures.

The examples described below represent some of the ways in which cooperating associations have expanded beyond their traditional roles of book sales and interpretive media.

### **A. Fee for Service Programs**

#### **1. Fee Interpretation**

Cooperating associations have long provided interpretive services as part of their work in visitor centers or to supplement the BLM's interpretive programs. Beyond these basic programs, some associations have developed programs that are supported by user fees. The fees offset the expense of added personnel and operating costs, provide for specialized interests, and control usage.

For instance, limiting access to a fragile resource area by charging a fee for a guided tour may be as important in terms of safety and resource protection as for financial reasons. At Chimney Rock Archaeological Area in Pagosa Springs, Colorado, the public can access an important prehistoric site only by guided tours. The cooperating association provides guided tours that the BLM does not have sufficient staff to provide.

## **2. Fee-Based Training Programs**

Fee-based training is a relatively new niche being filled by some cooperating associations. As funding for training programs shrinks within agencies, cooperating associations can address the need by offering training for agency employees, volunteers, guides, and outfitters. For instance, San Juan Mountains Association, in cooperation with San Juan National Forest, offers a workshop on wilderness research, planning and monitoring, trail maintenance, partnerships, and other topics. The Wilderness Ranger Workshop in Durango, Colorado, attracts wilderness rangers and volunteers from across the United States.

Canyonlands Natural History Association, in cooperation with several public land management agencies and other partners, sponsors the Colorado Plateau Professional Guide Institute in Moab, Utah. Designed for guides in biking, river, horse, jeep, and air tour businesses, the institute improves the knowledge and teaching skills of guides and outfitters who interact directly with the visiting public. The curriculum includes public lands and management, natural and cultural history, ethics and minimum impact, and communication.

Such training programs provide a service that ultimately benefits the public land management agencies and the public. Proceeds defray costs and generate additional income for the development of other programs.

### **B. Environmental Education/Community Outreach**

Cooperating associations can help agencies expand public outreach and environmental education programs. For instance, an association might charter buses for school field trips to a site or organize environmental education projects or internships for students.

Often an association will have a volunteer corps to assist in classroom or outreach projects. Trail Tenders, Inc., for example, is a volunteer association for the Oregon Trail Visitor Center in Baker City, Oregon. In addition to greeting and assisting the public in the visitor center and staffing the visitor center shop, the volunteers provide public contact on trail patrols. The volunteers also provide interpretive programs, living history demonstrations, theater productions, and other activities.

Red Rock Canyon Interpretive Association is another example of a cooperating association that uses volunteers to extend educational outreach. The association prepares teacher packets of materials and trains teachers to lead their own classes through the public lands. This allows more classes to learn from the site than the BLM or association personnel could meet with directly.

The Greater Arkansas River Nature Association (GARNA), a regional cooperating association dedicated to promoting interpretation and environmental education in Colorado's Arkansas River Valley, also assists schools in its area. The association donates books to support teacher training

courses in environmental education through a cooperative effort of multiple Federal and State agencies and local school districts in Colorado's Arkansas Valley.

The San Juan Mountains Association, which serves both the U.S. Forest Service and BLM areas, publishes newspaper supplements on resource issues of concern within local communities. One supplement, "Living with Elk," for example, focuses on the challenges local residents face in living within prime elk habitat. Another provides information on the problems created by the spread of noxious weeds in local communities and offers prevention and control recommendations. These supplements, of interest to the general public, are widely used in local schools as well. Such topics also lend themselves to public service programs on local television and radio, which the association participates in as part of its community outreach.

Another successful customer service outreach program is Public Lands Interpretive Association's Public Lands Information Centers in the BLM's State offices in New Mexico and Arizona. Public Lands Information Centers are one-stop shopping locations where people can obtain information about recreational opportunities on all public lands in the State or region, purchase passes, permits, maps, books, and other interpretive materials, participate in educational programs, and learn responsible use of the lands in public ownership. PLIA carefully selected and trained the managers of these centers in customer service, agency background, and knowledge of public lands.

## **C. Organizing Special Events**

Cooperating associations often play a major role in organizing special events. They have the flexibility to obtain financial sponsors, sell tickets, purchase materials, hire speakers/presenters, involve volunteers, and function in other ways that would be difficult for agency personnel. Here are examples:

Red Rock Canyon Interpretive Association sponsors an artist each year to create an original work of art for Red Rock Canyon. The association exhibits the completed art in a special event at the visitor center and sells products based on the original work, such as postcards and posters, to benefit the interpretive program. As part of its community outreach, the association also sponsors an annual Harvest Festival, which draws several hundred children for a day of interpretive activities.

The Greater Arkansas River Nature Association organizes an annual tree planting project. GARNAs obtains financial sponsors and volunteer labor and purchases native trees and planting materials. The BLM and Colorado State Parks, partners in the project, provide tools and supervision at the planting sites. This Arkansas River "Green-up" project is held in conjunction with the annual Arkansas River "Clean-up," and volunteers pick up litter as well as plant trees along the riverfront.

For several years Public Lands Interpretive Association and the Bureau of Land Management have staged successful interagency National Public Lands Day (NPLD) celebrations in Arizona and New Mexico. Coordinated through the managers of the association's Public Lands Information Centers, located in BLM State offices in those States, the events have included public lands fairs in downtown Phoenix and at the BLM State Office in Santa Fe, trash cleanup at Cochiti Lake in New Mexico, and trail maintenance on BLM lands in both States.

Special events such as these help communicate the values of the public lands as well build public interest and involvement.

## **D. Fee Collection**

When the BLM began participating in a legislated Fee Demonstration Project that authorized entry fees for access to certain public lands, Red Rock Canyon Interpretive Association entered into an Assistance Agreement with the BLM to collect the fees at Red Rock Canyon. In this case, the BLM pays for the costs of collecting the fees, plus a management fee based on a percentage of the total fees collected. Using an existing operation provides the BLM with a cost-effective way to collect the entry fees, and the management fee that goes to the cooperating association helps to support interpretation and education programs.

In another example, the Public Lands Interpretive Association offers the convenience of on-line ordering of recreation (fee demo) passes on its Web site ([www.publiclands.org](http://www.publiclands.org)) for several BLM areas in New Mexico and for several Federal fee demonstration areas managed by other agencies in other States. The association retains 10 percent of the fees collected.

## **E. Grants and Fundraising**

As noted elsewhere, cooperating associations can obtain and manage grants. Grant sources may be more willing to give a grant to a not-for-profit organization than to a Federal agency. Also, grant-givers like to see a partnership or cost-sharing component. Associations can use their other resources to leverage grant funds for greater effect than the agency might do alone.

In the best of these arrangements, the BLM and association agree on the project and jointly develop the proposal. The cooperating association receives and administers the grant and has the flexibility to contract for services. The BLM develops the contract specifications and monitors the work. The partners share the reporting and recognition components. In this way, the grant project benefits from a strong partnership with a community-based group and flexibility in contracting for goods and services.

For example, Public Lands Interpretive Association has administered several grants from the Colorado Historical Society for the BLM's Anasazi Heritage Center. One of the grants funded

the award-winning CD-ROM “People of the Past,” which PLIA then produced for wide distribution.

As with other aspects of their relationship, the BLM and the cooperating association must be in accord on the nature of the project and their respective roles. The projects for which an association seeks grants must be appropriate to its chartered purposes.

This is also the case with fundraising projects or campaigns. As noted elsewhere, donors may be more willing to give to a not-for-profit organization than to a Federal agency, and an association can hire the expertise and make the solicitations needed for a successful fundraising effort. Associations can, and often do, have proactive fundraising efforts on BLM’s behalf.

In doing so, the cooperating association takes on a traditional “friends group” function by raising funds for BLM public lands or projects. Unlike a friends group, however, which can raise funds for any purpose, cooperating association fundraising must be in keeping with its chartered purposes. Donations to a cooperating association on behalf of the BLM must be used for interpretive or educational purposes that have been approved by the BLM. Beyond that limitation, cooperating associations have great flexibility in soliciting and accepting donations.

Taking the step from accepting donations or making an occasional donor request to developing an active fundraising program should be thought through carefully, and with professional guidance. The decision to move from a cooperating association function to a fundraising function may require changes in board and staff expertise. Sustaining a successful fundraising program is not easy and may dilute the association’s primary role of public service.

## **F. Membership Programs**

As a cooperating association seeks to expand its activities and base of support, it is natural to consider developing a membership program. Many not-for-profit organizations have a membership program in which individuals or corporations pay a fee to join. Members may join to support a cause or interest, or to receive discounts, premiums, or other incentives. Members will come and go, but the dedicated ones will become an important constituency for the association and for the BLM.

Developing a viable membership program involves direct and indirect costs and can require considerable management time. On the other hand, members can become valued sources for volunteers, funds, and other support. Associations that are interested in starting a membership program should seek guidance from experienced associations and others in the not-for-profit sector.

## **G. A Note Regarding Lobbying and Advocacy**

As private nonprofit, tax-exempt corporations, cooperating associations are subject to State and Federal rules and regulations that restrict, and/or prohibit the association from lobbying and/or advocacy. As 501(c)(3) organizations, associations are prohibited from advocacy by the Internal Revenue Code. Associations can lobby, subject to IRS limitations.

Associations receive logistical support from the BLM, so it is important that they focus on their mission of assisting the educational and interpretive activities of the BLM. This does not prevent associations from commenting on BLM plans or policies through the public involvement process. Nor does it prevent individual association members, employees, or directors from expressing their opinions regarding BLM management actions and policies as concerned private citizens and not through the association.

This is an important distinction between friends groups and cooperating associations. Friends groups can form without having an official relationship with the BLM. They can take advocacy positions pertaining to BLM programs. Cooperating associations can not as an organization do this.

## **H. Considerations in Expanding Services**

As cooperating associations become more sophisticated and see models in the not-for-profit sector at large, they may find other ideas for expanding services, such as land holding, trusts and endowments, funds management, for-profit subsidiaries, etc. As long as an association adheres to its charter and the legal requirements of the State in which it is incorporated, it has all of the rights of any not-for-profit corporation to pursue an enterprise.

As an independent entity, the cooperating association is not required to have BLM approval for expanded services that do not directly affect the BLM. In the interest of good partnering, however, the association should consult with the BLM and have a clear understanding of the purposes for the expansion. Any activity that is done in the name of BLM or the public lands it manages, such as a fundraising event for a BLM area, does require BLM approval and a written agreement.

In general, when considering expanding the scope of a cooperating association's activities, the partners should consider the following:

- What are the expectations for the expansion?
- What is BLM's role? What is the association's role?

- Do existing agreements support the new roles or tasks the association is undertaking? Are updates or other changes in the agreements needed?
- Are managers supportive of the changes?
- How will the expansion affect existing programs?
- Are the benefits worth the costs?

## **VIII. MAKING THE MOST OF YOUR PARTNERSHIP**

### **A. Commitment**

The Bureau of Land Management has a mandate to manage public lands so that both present and future generations of Americans can use and enjoy them. The BLM's management responsibilities include encouraging the recreational use of these varied natural and cultural resources, while at the same time protecting the values of the resources.

The BLM addresses these dual responsibilities through interpretation. Interpretation is a voice for all the resource management programs within the BLM. In recent years, we have become more aware of our accountability to the American public, and the voice of interpretation has become louder. Its role for the BLM is expressed in the vision statement for the BLM's interpretive program, published in 1999:

*BLM's interpretive program fosters an appreciation for the resources and an understanding about the relationships between people and the public lands. Interpretation communicates how the BLM manages resources and provides opportunities for public use. As a result of BLM's interpretive program, the public will be more environmentally responsible while enjoying their public lands.*

Our principal partners in this effort are the cooperating associations that exist to support the BLM's interpretive and educational programs. These organizations are chartered specifically to assist us in our mission.

This *Handbook* describes the opportunities in working with cooperating associations. While specific details of these partnerships vary, they have one thing in common: their goal is public service. The success of the BLM's partnerships with cooperating associations will depend upon our shared commitment to that goal. We work together to enhance the public's enjoyment, understanding, and appreciation of BLM's public lands.

The many successes of these cooperative relationships show their value in providing services that



the BLM could not do alone. BLM leadership encourages those who work with cooperating associations to develop and nurture these partnerships.

## **B. Networking**

The field of cooperating associations is growing. While the number of associations working with the BLM is still relatively small, all of the Federal public land management agencies and many State agencies now have examples of partnerships with cooperating associations. Most of the associations serve multiple sites and some work with more than one agency.

This growing network is a valuable resource for information and ideas. Cooperating associations and the agency personnel who work with them are generally very willing to share information. It is likely that someone in this network will have experience with an issue or situation that you have questions about.

In addition, many of the situations faced by associations and their agency partners are generic to the not-for-profit field. Contact with other organizations through conferences, professional meetings, Internet research, community service agencies, etc. can help you learn from the experience of others.

## **C. Sources for Help**

The appendices to this *Handbook* suggest models and sources for information. This is a growing area, and information will change. As you learn of changes or have your own ideas to share, submit them to the National Lead for Interpretation for future editions.

### **1. Within the Agency**

The office within the BLM that is responsible for this *Handbook* and for coordinating other cooperating association activities is the National Lead for Interpretation, currently located in the BLM Colorado State Office in Lakewood, Colorado.

### **2. Outside the BLM**

As indicated above, other Federal and some State public land management agencies also work with cooperating associations. Many of the associations are members of the Association of Partners for Public Lands. APPL is the national not-for-profit umbrella organization established specifically to assist cooperating associations and other nonprofit support groups in their partnerships with public land management agencies. The training, publications, and other services provided through APPL are geared especially to enhancing the ability of agencies and associations to provide interpretive and educational service to the public. APPL publishes a directory of member associations and a Web site to facilitate communication among associations and agency liaisons.

In addition to APPL, there are other national organizations, such as the National Center for Nonprofit Boards, the American Society of Association Executives, the Museum Store Association, and the National Association for Interpretation, that also provide professional literature and training relevant to improving partnerships. See the Appendix for information on these and other helpful resources.

## **APPENDIX 1**

### **DEFINITIONS OF FREQUENTLY USED TERMS**

*Annual Plan:* an agreement by representatives of the Bureau of Land Management (BLM) and a cooperating association that outlines the goals and objectives the partners expect to accomplish in the coming year.

*Assistance Agreement:* a cooperative agreement or grant that allows the BLM to exchange funds or other value with a non-Federal entity when the primary purpose is to provide public support or stimulation rather than to acquire goods or services for the “direct benefit or use” of the Government. This document reflects mutual benefit. It is used to define the project work, terms, and conditions with a cooperating association to enhance public knowledge and appreciation of public lands through sales and other interpretive activities.

*Assistance Officer (AO):* the person authorized to execute the Assistance Agreement, issue Task Orders, and obligate funds on behalf of the BLM. The AO is responsible for enforcing the provisions of the agreements and modifying or terminating the agreement and its related Task Orders, as appropriate.

*Assistance Representative (AR):* The person authorized to administer the technical aspects of the Assistance Agreement and individual Task Orders on behalf of the BLM. The AR is authorized to review and approve work that is within the scope of the agreement, but the AR is not authorized to modify the agreement.

*BLM:* the Bureau of Land Management, an agency of the United States Department of the Interior.

*CFR:* Code of Federal Regulations.

*Cooperating Associations:* not-for-profit, non-government organizations established to supplement or otherwise support the interpretive, educational, and/or scientific efforts of public land management agencies (also called Interpretive Associations).

*FLPMA:* Federal Lands Policy and Management Act, the 1976 Organic Act for the Bureau of Land Management.

*Fiscal Year (FY):* a twelve-month accounting period, usually the Federal fiscal year that begins October 1 and ends September 30. If a cooperating association has a different fiscal year, the Assistance Agreement specifies which accounting/reporting period applies.

*Interpretive Association:* another name for cooperating association as defined above.

*OMB Circular:* the Office of Management and Budget circular(s) that are normally published in the *Federal Register* to establish principles and administrative procedures and requirements. OMB Circulars A-102 and A-110, published as Department of the Interior Agency regulations, are found at 43 CFR Part 12, Administrative and Audit Requirements and Cost Principles for Assistance Programs.

*Operating Plan:* a supplement to a Task Order, detailing the site location and plan for a cooperating association operation. This document defines the day-to-day procedures for the sales outlet or other activities, including such specifics as the list of merchandise to be sold, hours of operation, and standards of service.

*Scope of Sales Statement:* a planning document that describes the primary and subsidiary interpretive themes for a site and provides guidance for the selection of an appropriate product line for the sales activity.

*Statement of Work, or Scope of Work:* the part of the Task Order that specifies the work to be accomplished.

*Supplemental Agreement:* an addition that expands or modifies the Assistance Agreement. For example, a Supplemental Site Agreement specifies the site(s) covered by a Statewide master agreement. Supplemental Agreements may also be used to specify activities beyond the normal scope of the Assistance Agreement, such as hiring interpreters for an educational program, conducting a fundraising campaign, or constructing a permanent structure on Federal property. If a Supplemental Agreement is unfunded and supplements a master agreement, it would be issued under the cover of a modification to the master agreement. If the Supplemental Agreement is funded and supplements an existing Task Order, it would be issued under the cover of a modification to that Task Order.

*Task Order:* the instrument used by the Assistance Officer to authorize tasks and expend funds for specific services or work to be accomplished under the Assistance Agreement.  
[The following materials will be added to the Appendix Section of the Handbook prior to publication:]

**Appendix 2: Model Agreement(s)**

**Appendix 3: Code of Ethics for Associations and Boards**

**Appendix 4: Sample Sales Item Review Form**

**Appendix 5: Sample Scope of Sales Statement**

**Appendix 6: List of BLM Cooperating Associations**

**Appendix 7: References and Other Sources for Help**